

**Testimony of Dr. James Thomas Tucker
Attorney, Ogletree Deakins, P.C.
Adjunct Professor, Barrett Honors College at Arizona State University
Phoenix, Arizona**

**Before the House Committee on the Judiciary
Subcommittee on the Constitution**

**Oversight Hearing on the Voting Rights Act:
Section 203 – Bilingual Election Requirements, Part II
November 9, 2005**

Mr. Chairman and Members of the Subcommittee, thank you for your invitation to testify on a matter of critical importance to all Americans: reauthorization of the temporary provisions of the Voting Rights Act that will expire in August 2007. My comments will focus on Section 203 of the Act. The language assistance provisions of the Voting Rights Act received strong bipartisan support each time Congress previously considered them in 1975, 1982, and 1992. As Senator Orrin Hatch observed during the 1992 hearings, “[t]he right to vote is one of the most fundamental of human rights. Unless government assures access to the ballot box, citizenship is just an empty promise. Section 203 of the Voting Rights Act, containing bilingual election requirements, is an integral part of our government’s assurance that Americans do have such access.”¹ Senator Hatch’s observation is equally true today, as Members of both Parties and this Subcommittee have recognized by addressing the continuing need for Section 203 nearly two years before it expires.

I am an attorney in private practice in Phoenix, Arizona and an Adjunct Professor at the Barrett Honors College at Arizona State University. I hold a Doctor of the Science of Laws (or S.J.D.) degree from the University of Pennsylvania. I previously worked as a senior trial attorney in the Justice Department’s Voting Section, in which a substantial amount of my work

focused on Section 203 enforcement. I also have a forthcoming article on Section 203 that will be provided to Members of the Subcommittee. I have teamed with Dr. Rodolfo Espino, a Professor in ASU's Department of Political Science who holds a Ph.D. in Political Science from the University of Wisconsin-Madison, to co-direct a nationwide study of minority language assistance practices in public elections. Our research team includes ten extraordinary students in the Barrett Honors College, who have labored countless hours over the last eighteen months to produce the information I will discuss today.² Our report will be released by the end of this year.

Before discussing our study, I will outline the scope and requirements of the language assistance provisions of the Voting Rights Act to place our findings into context. The provisions apply to four language groups: Alaskan Natives; American Indians; persons of Spanish Heritage; and Asian Americans.³ Each of these language groups includes several distinct languages and dialects.⁴

Jurisdictions are selected for coverage through two separate triggering formulas. Under Section 4(f)(4) of the Act, a jurisdiction is covered if three criteria are met as of November 1, 1972: (1) over five percent of voting age citizens were members of a single language group; (2) the jurisdiction used English-only election materials; and (3) less than fifty percent of voting age citizens were registered to vote or fewer than fifty percent voted in the 1972 Presidential election.⁵ This trigger covers jurisdictions that have experienced "more serious problems" of voting discrimination against language minority citizens.⁶

Jurisdictions covered under Section 4(f)(4) must provide assistance in the language triggering coverage and are subject to the Act's special provisions, including Section 5 preclearance, Section 6 federal examiner coverage, and Section 8 federal observer coverage. Section 4(f)(4) coverage applies in three states (Alaska for Alaskan Natives, and Arizona and Texas for Spanish Heritage) and nineteen counties or townships in six additional states.⁷

Under Section 203 of the Act, a jurisdiction is covered if the Director of the Census determines that two criteria are met. First, the limited-English proficient citizens of voting age in a single language group: (a) number more than 10,000; (b) comprise more than five percent of all citizens of voting age; or (c) comprise more than five percent of all American Indians of a single language group residing on an Indian reservation. Second, the illiteracy rate of the language minority citizens must exceed the national illiteracy rate.⁸ A person is "limited-English proficient" (or LEP) if he or she speaks English "less than very well" and would need assistance to participate in the political process effectively.⁹

Jurisdictions that are covered under Section 203 of the Act must provide written materials and assistance in the covered language. Generally, written materials do not have to be provided for historically unwritten Alaskan Native or American Indian languages.¹⁰ After the most recent Census Department determinations on July 26, 2002, five states are covered in their entirety (Alaska for Alaskan Natives, and Arizona, California, New Mexico, and Texas for Spanish Heritage) and twenty-six states are partially covered in a total of twenty-nine languages.¹¹ Language assistance must be provided under either Section 4(f)(4) or Section 203 in 505

jurisdictions, which includes all counties or parishes, and those townships or boroughs specifically identified for coverage.¹²

There have been few studies examining how jurisdictions have actually implemented the Congressional mandate to provide language assistance in public elections. The General Accounting Office conducted studies in 1984 and 1997 to determine the costs associated with language materials and assistance under Section 203. The 1984 GAO study obtained information from 318 political subdivisions and nineteen state governments.¹³ The 1997 study reported data from 292 covered jurisdictions in 26 states.¹⁴ Both studies were limited somewhat by the inability of many responding jurisdictions to provide the costs of bilingual voting assistance. Our study encountered similar problems.¹⁵ Nevertheless, for those jurisdictions that reported complete expense data, the costs of compliance generally comprise only a small fraction of total election expenses. Congress relied upon the 1984 GAO report to extend Section 203 in 1992.

The purpose of our study is to update the cost data collected by the two GAO studies and to determine the practices of public elections officials in providing oral and written language assistance. Our survey assesses the availability and quality of assistance in several different areas: the use of bilingual coordinators who act as liaisons between the election office and the covered language groups; recruitment and training of election day poll workers; telephonic assistance; oral language assistance at every stage of the election process; written language materials provided to limited-English proficient voters; outreach and publicity; and the ability of voters to receive assistance from the person of their choice. The survey concludes by asking

about the respondent's views of reauthorization and the federal government's role in providing language assistance, and an open-ended question about the jurisdiction's experiences under Section 203.¹⁶

A total of 810 jurisdictions in thirty-three states were surveyed. The surveyed jurisdictions include: all jurisdictions specifically identified by the Census Department under either Section 4(f)(4) or Section 203; all counties in the five states that are covered; all cities in covered jurisdictions that the 2000 Census reports as having 50,000 or more people; a handful of jurisdictions that no longer are covered as a result of the 2002 Census determinations; and the chief elections officer in each of the surveyed states. Jurisdictions were guaranteed anonymity to increase the likelihood that they would complete the survey. Over half of all surveyed jurisdictions responded. Complete responses were received from 361 jurisdictions in thirty-one states, making this the most comprehensive study of its kind ever conducted.¹⁷ The actual number of responses varies because some questions did not apply to all respondents and some respondents chose not to answer certain questions.

Some critics have opposed Section 203 because they believe it imposes high costs on local election officials. Their fears have not materialized. The costs of compliance are modest if there are any costs at all. Of the 154 jurisdictions reporting oral language assistance expenses, 59.1 percent (91 jurisdictions) incur no extra costs.¹⁸ Similarly, of the 144 jurisdictions reporting written language material expenses, 54.2 percent (78 jurisdictions) do not incur any additional costs.¹⁹ Of the 158 jurisdictions reporting complete election expenses, 39.5 percent (60 jurisdictions) do not incur any added costs for either oral or written language assistance.²⁰ Other

jurisdictions provided narrative responses indicating no additional expenses for the following: twenty-three for oral language assistance; thirteen for written language materials; and six for both.

Respondents attribute the lack of additional costs to several factors. Many report hiring bilingual poll workers who are paid the same wages as other poll workers. Jurisdictions with Alaskan Native and American Indian voters report that bilingual materials are not provided because the covered languages are unwritten. Several jurisdictions providing bilingual written materials use election officials or community volunteers to translate materials, resulting in no additional costs. In many cases, printing costs do not increase as a result of having bilingual written materials. A number of jurisdictions in New Mexico and Texas report that state laws have language assistance requirements similar to Section 203, resulting in no additional cost for federal compliance.

Of the 154 jurisdictions reporting complete data for oral language assistance, the average cost is 4.9 percent of all election expenses. However, the top ten percent of respondents (16 jurisdictions) skew this result by reporting average costs of 34 percent. By contrast, the remaining 138 jurisdictions report average costs of only 1.5 percent.²¹ Two factors contribute to the disparate results. Some of the sixteen jurisdictions attribute all of their election expenses, including costs for hiring permanent staff and Election Day poll workers who have to be hired regardless of Section 203, to oral language assistance. Furthermore, these sixteen jurisdictions are less populated, with an average total population of 40,262 compared to an average total population of 170,439 in the remaining jurisdictions. When these factors are taken into

consideration, our study reveals oral language costs close to the average of 2.9 percent originally reported by the GAO in 1984.²² The average cost of oral language assistance remains approximately the same, regardless of the percentage of voters who need language assistance.²³

A similar pattern emerges for the cost of written language materials. Of the 144 jurisdictions reporting complete data for written materials, the average cost is 8.1 percent. Again, the top ten percent of all respondents skewed the results, with fifteen jurisdictions reporting average written costs of 51.8 percent. The remaining 129 jurisdictions report average written costs of only 3.0 percent.²⁴ These disparate results occur for the same reasons as those reported for oral language assistance. The fifteen outlying jurisdictions have an average total population of 35,664 compared to an average total population of 180,529 for the other 129 jurisdictions. All of the outliers also attribute most – and in a few cases all – of their total written costs to bilingual election materials. When these factors are taken into consideration, the average cost of providing written language materials is substantially below the 7.6 percent reported by the GAO in 1984.²⁵

Even where some costs are incurred, most jurisdictions report that they are negligible because they target language assistance to only those areas that require it. During the 1992 hearings, Congress described effective targeting as whether “it is designed and implemented in a manner that ensures that all members of the language minority who need assistance, receive assistance.”²⁶ Some jurisdictions have heeded these instructions to minimize their costs.

Many covered jurisdictions report election practices that fall short of complying with the Voting Rights Act. Of the jurisdictions responding to the survey, 80.6 percent (287 jurisdictions) report providing some type of language assistance to voters: 60.4 percent (215 jurisdictions) report providing both oral and written language assistance, 14 percent (50 jurisdictions) report only providing written language materials, and 6.2 percent (22 jurisdictions) report only providing oral language assistance.²⁷

The 215 jurisdictions that report providing both oral and written language assistance include: 211 jurisdictions covered for Spanish Heritage, with an average Hispanic voting age population of 29.0 percent, of whom 39.0 percent are limited-English proficient; 16 jurisdictions covered for Asian-American languages, with an average voting age population of 13.8 percent, of whom 43.3 percent are limited-English proficient; and 26 jurisdictions covered for Alaskan Native or American Indian languages, with an average voting age population of 12.4 percent, of whom 20.5 percent are limited-English proficient.²⁸

Jurisdictions providing language assistance are more likely to be covered under Section 4(f)(4) or 203 in their own right than those that do not, which tend to be covered sub-jurisdictions such as counties or cities. There is no relationship between the jurisdiction's total population and whether that jurisdiction provides assistance.

The 50 jurisdictions that report providing only bilingual written materials²⁹ generally have large numbers of limited-English proficient voters in one or more of the covered languages. This group includes 47 Spanish Heritage covered jurisdictions, which have an average Hispanic

voting age population of 18.3 percent, of whom 45.4 percent are limited-English proficient. The 13 jurisdictions covered for Asian-American languages that provide only bilingual materials have higher percentages of Asian voting age population and LEP voters than the 16 Asian-American covered jurisdictions providing both oral and written language assistance. According to the 2000 Census, these 13 jurisdictions have an average Asian voting age population of 17.0 percent, of whom 44.6 percent are limited-English proficient. The average percentages of both Spanish Heritage and Asian-American voting age citizens in all 50 jurisdictions are high enough to require full compliance with Section 203.³⁰ Moreover, the absence of bilingual oral language assistance in these jurisdictions can be a significant deterrent to LEP voters seeking to participate in elections.

Of the 22 jurisdictions that report providing only oral language assistance, over two-thirds (15 jurisdictions) are covered for Alaskan Native and/or American Indian languages, which generally do not require written materials. These 15 jurisdictions have an average American Indian voting age population of 27.7 percent, of whom 15.0 percent are limited-English proficient. Only one out of the 63 respondents covered for Alaskan Native or American Indian languages (1.6 percent) report receiving voter requests for bilingual election materials. Jurisdictions providing only oral language assistance also include: 9 jurisdictions covered for Spanish Heritage, with an average Hispanic voting age population of 23.5 percent, of whom 37.2 percent are limited-English proficient; and 1 Asian-American covered jurisdiction, with an Asian voting age population of 7.6 percent, of whom 48.5 percent are limited-English proficient.³¹

Sixty-nine responding jurisdictions (19.4 percent) do not report providing language assistance of any kind. Every covered language group is affected by the lack of assistance in these 69 jurisdictions: 41 are covered for Spanish Heritage, with an average Hispanic voting age population of 18.8 percent, of whom 39.4 percent are limited-English proficient; 19 are covered for Alaskan Native or American Indian languages, with an average Alaskan Native or American Indian voting age population of 17.4 percent, of whom 6.0 percent are limited-English proficient; and 7 are covered for Asian-American languages, with an average Asian voting age population of 13.8 percent, of whom 40.7 percent are limited-English proficient.³²

The failure of many jurisdictions to provide language assistance in the covered languages is attributable to the misperception of election officials about the need for assistance. The 271 respondents estimate that an average of 5.5 percent of their jurisdiction's voters requires oral language assistance in the covered language. However, according to the 2000 Census, the average number of limited-English proficient persons of voting age in these jurisdictions is actually double that number, or 10.9 percent. This divergence between perception and reality is the same regardless of how much language assistance the jurisdiction provides, if any.³³

Less than half of the 326 respondents report providing assistance for telephone inquiries from voters in all of the covered languages: 39.0 percent (127 jurisdictions) provide assistance in all covered languages; 26.4 percent (86 jurisdictions) in some covered languages; and 34.7 percent (113 jurisdictions) in none of the covered languages.³⁴ Jurisdictions with a higher percentage of limited-English proficient voters are more likely to provide telephone assistance in the covered languages. They incur minimal costs for doing so. Of the 116 jurisdictions

providing telephonic language assistance that reported their costs, the average cost is only .6 percent of total election expenses.³⁵ Seventy-four percent (86 jurisdictions) report incurring no costs at all. Many jurisdictions report that their low costs are attributed to their use of full-time election workers or volunteers who are fluent in the covered languages.

Significantly, 57.1 percent (192 jurisdictions) of the 336 responding jurisdictions report that they do not have at least one full-time worker fluent in the covered language.³⁶ There is a strong positive relationship between the percentage of limited-English proficient voters and whether they employ bilingual full-time workers in the covered languages.

Even fewer jurisdictions report that they use bilingual coordinators. Bilingual coordinators act as a liaison between election officials and language minority groups, and are routinely required in consent decrees and judicial remedies for Section 203 violations. However, of the 338 responding jurisdictions, only 38.2 percent (129 jurisdictions) report having a bilingual coordinator who speaks a covered language.³⁷

Department of Justice regulations require that covered jurisdictions have “direct contact with language minority group organizations” to ensure language assistance programs are effective.³⁸ However, most covered jurisdictions do not do so. Of the 322 responding jurisdictions, only 37.3 percent (120 jurisdictions) report that they consult with community organizations or individuals from the covered language groups about providing election assistance in those languages.³⁹

Similarly, even where jurisdictions provide bilingual materials, many acknowledge not doing so for all election materials. Our study creates an index of eighteen types of written materials commonly used in elections. Of 284 respondents, two-thirds (189 jurisdictions) report that they translate more than half of all election materials.⁴⁰ The jurisdiction's population has no relationship to whether bilingual materials are provided. Several jurisdictions separately acknowledge not translating election materials they are required to provide in the covered language, including candidate qualifying forms, election results, voter instructions, and even ballots. Some report that they will do so in the future. Other jurisdictions report they will not provide bilingual materials because of cost, the failure of vendors to offer translation services, technological issues, or the use of bilingual poll workers to translate materials for voters.

Most covered jurisdictions acknowledge that they do not provide oral language assistance at all stages of the election process. Our study creates an index of fourteen types of common election activities. Of the 328 respondents, only 32.9 percent (108 jurisdictions) report that they provide language assistance for more than half of all election activities.⁴¹ Jurisdictions that translate more than half of all election materials are more likely to provide oral language assistance for election activities than those translating less than half of all election materials. The absence of oral language assistance is inconsistent with federal guidelines, which provide that Section 203 “should be broadly construed to apply to all stages of the electoral process, from voter registration through activities related to conducting elections, including for example the issuance ... of notifications, announcements, or other informational materials concerning the opportunity to register ... the time, places and subject matters of elections, and the absentee voting process.”⁴²

Where oral language assistance is provided, it is impaired by the failure of most jurisdictions to ensure that bilingual election workers actually are fluent in the covered languages. Nearly two-thirds (210 jurisdictions) of the 324 responding jurisdictions do not require any confirmation of the language abilities of part-time poll workers.⁴³

Responding jurisdictions generally provide regular training for poll workers. However, two-thirds of the 328 respondents (217 jurisdictions) reported that their poll worker training does not include information on the languages covered in the jurisdiction. This number may be due to the lack of information included about language assistance in instructional videos, which are used by 63.8 percent (208 jurisdictions) of all respondents.⁴⁴

Poll worker training on voter assistance does not necessarily include accurate training on federal requirements. Section 208 of the Act, which applies nationwide, provides that “[a]ny voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice,” except for the voter’s employer or union representative. Only 10.3 percent (27 jurisdictions) of the 263 respondents reported voter assistance practices that are at least as protective as Section 208: 1.9 percent (five jurisdictions) correctly stated the federal standard; and 8.4 percent (22 jurisdictions) permit voters to receive assistance from their person of choice, even if it falls into one of the two exceptions in Section 208. These voter assistance practices often are the result of jurisdictions complying with state laws that are more restrictive than Section 208 allows.

Responding jurisdictions are candid in reporting their election practices. Their responses highlight the many challenges they face in removing language barriers in elections to voters. Some jurisdictions have done a commendable job in responding to these challenges. Nevertheless, other jurisdictions still have a long way to go.

Only twelve jurisdictions express opinions that elections should be conducted entirely in English. For example, one respondent notes, “I do not think that it is our responsibility to provide different languages. I think everything should be in English only! That is their responsibility (voter). Go to Mexico or other countries you have to learn their language. You come here and we have to learn theirs....”⁴⁵ A few others criticize enforcement efforts by the Department of Justice.⁴⁶

However, a majority of jurisdictions reject these views. One respondent describes language assistance as “common sense.”⁴⁷ Others emphasize its “inclusivity”⁴⁸ and tendency to make “voters feel comfortable coming to the polls knowing there is help there if needed.”⁴⁹ One jurisdiction observes that “language assistance is extremely important in ensuring the integrity of the U.S. Election process” and the legitimacy of government outcomes.⁵⁰ Another respondent explains, “for the longest time I thought that if you live in the USA, you should learn English. It is very difficult to help someone who doesn’t speak the language. My husband hunts in Mexico and the few times I went with him I felt helpless because I didn’t understand Spanish. It is very overwhelming when you need assistance and can’t get it because of the language barrier.”⁵¹ These concerns cause some jurisdictions to suggest that Congress should “broaden the requirements.”⁵²

Many jurisdictions specifically commend the Justice Department’s enforcement efforts. Some ask the federal government to “[h]elp us come up with the means of getting rid of the ‘this is America, English only’ attitude of many people out there, both voters and election board workers.”⁵³ Others request that the Department do even more to “enforce existing rules.”⁵⁴ One jurisdiction requests that voter assistance requirements also “should be enhanced to let citizens with limited English skills to bring friend or family to help or they should be encouraged to vote absentee.”⁵⁵ As another respondent observes, “the federal government has done a lot to provide minority language assistance.”⁵⁶ Much remains to be done.

Our study’s findings highlight the continuing need for language assistance. State and local election officials agree. An overwhelming majority of the 254 responding jurisdictions, 71.3 percent (181 jurisdictions) think that the federal language assistance provisions should remain in effect for public elections.⁵⁷ For these reasons, I recommend in the strongest terms that the temporary provisions of the Voting Rights Act, including Sections 4, 6, 8, and 203, be reauthorized. Thank you very much for your attention. I will welcome the opportunity to answer any questions you may have.

¹ *Voting Rights Act Language Assistance Amendments of 1992: Hearings on S. 2236 Before the Subcomm. On the Constitution of the Senate Comm. On the Judiciary* [1992 hearings], 102d Cong., 2d Sess., S. HRG. 102-1066, at 134 (1992) (statement of Sen. Hatch).

² See Appendix A.

³ See 42 U.S.C. §§ 19731(c)(3), 1973aa-1a(e).

⁴ See 121 CONG. REC. H4716 (daily ed. June 2, 1975) (statement of Rep. Edwards). When the 1975 amendments were enacted, the Bureau of the Census defined the language minority groups in the following manner:

[T]he category of Asian American includes persons who indicated their race as Japanese, Chinese, Filipino, or Korean. The category of American Indian includes persons who indicated their race as Indian (American) or who did not indicate a specific race category but reported the name of an Indian tribe. The population designated as Alaskan Native includes persons residing in Alaska who identified themselves as Aleut, Eskimo or American Indian. Persons of Spanish heritage are identified as (a) ‘persons of Spanish language’ in 42 States and the District of Columbia; (b) ‘persons of Spanish language’ as well as ‘persons of Spanish surname’ in Arizona, California, Colorado, New Mexico, and Texas; and (c) ‘persons of Puerto Rican birth or parentage in New Jersey, New York, and Pennsylvania.’”

S. REP. NO. 94-295 at 24 n.14, *reprinted in* 1975 U.S.C.C.A.N. 790-91 n.14 (quoting Letter from Meyer Zitter, Chief, Population Division, Bureau of the Census, to House Judiciary Committee, Apr. 29, 1975).

⁵ See 42 U.S.C. § 1973b(b).

⁶ S. REP. NO. 94-295 at 31, *reprinted in* 1975 U.S.C.C.A.N. 798; *see also id.* at 9, *reprinted in* 1975 U.S.C.C.A.N. 775 (section 4(f)(4) applies to areas “where severe voting discrimination was documented” against language minorities). Specifically, “the more severe remedies of title II are premised not only on educational disparities” like the less stringent provisions under title III of the 1975 amendments, “but also on evidence that language minorities have been subjected to ‘physical, economic, and political intimidation’ when they seek to participate in the political process.” 121 CONG. REC. H4718 (daily ed. June 2, 1975) (statement of Rep. Edwards).

⁷ See Figure C-1. Coverage determinations were published at 40 Fed. Reg. 43746 (Sept. 23, 1975), 40 Fed. Reg. 49422 (Oct. 22, 1975), 41 Fed. Reg. 784 (Jan. 5, 1976) (corrected at 41 Fed. Reg. 1503 (Jan. 8, 1976)), and 41 Fed. Reg. 34329 (Aug. 13, 1976). Covered counties in Colorado, New Mexico, and Oklahoma have bailed out pursuant to Section 4(a) of the Voting Rights Act. *See* 28 C.F.R. § 55.7(a).

⁸ See 42 U.S.C. § 1973aa-1a(b)(2).

⁹ See *generally* 42 U.S.C. § 1973aa-1a(b)(3)(B) (defining “limited-English proficient” as the inability “to speak or understand English adequately enough to participate in the electoral process”). The 1992 House Report explains the manner in which the Director of Census determines the number of limited-English proficient persons:

The Director of the Census determines limited English proficiency based upon information included on the long form of the decennial census. The long form, however, is only received by approximately 17 percent of the total population. Those few who do receive the long form and speak a language other than English at home are asked to evaluate their own English proficiency. The form requests that they respond to a question inquiring how well they speak English by checking one of the four answers provided – “very well,” “well,” “not well,” or “not at all.” The Census Bureau has determined that most respondents over-estimate their English proficiency and therefore, those who answer other than “very well” are deemed LEP.

H.R. REP. NO. 102-655 at 8, *reprinted in* 1992 U.S.C.C.A.N. 772.

¹⁰ See 42 U.S.C. § 1973aa-1a(c).

¹¹ See Voting Rights Act Amendments of 1992, Determinations Under Section 203, 67 Fed. Reg. 48,871 (July 26, 2002) (to be codified at 28 C.F.R. pt. 55) (“2002 Determinations”). Two states that previously were covered in part by Section 203, Iowa and Wisconsin, no longer are covered. *See id.*; 28 C.F.R. pt. 55, App. Section 203 coverage

has been extended to political subdivisions of five states not covered previously: Kansas, Maryland, Montana, Nebraska, and Washington. *See* 2002 Determinations, *supra*; 28 C.F.R. pt. 55, App.

¹² *See* Figure C-2.

¹³ *See* U.S. GEN. ACCT. OFF., BILINGUAL VOTING ASSISTANCE: COSTS OF AND USE DURING THE 1984 GENERAL ELECTION 11-12 (1986) (“1984 GAO Study”).

¹⁴ *See* U.S. GEN. ACCT. OFF., BILINGUAL VOTING ASSISTANCE: ASSISTANCE PROVIDED AND COSTS 1, 33 (1997).

¹⁵ *See* Figure E-1.

¹⁶ The questions are derived from the Voting Rights Act and Census definitions. Survey results have been analyzed in light of Census 2000 data and the number and type of languages covered in each jurisdiction. A copy of the survey is included in Appendix B.

¹⁷ *See* Appendix D for more information on the survey respondents.

¹⁸ *See* Figure E-2.

¹⁹ *See* Figure E-5.

²⁰ *See* Figure E-8.

²¹ *See* Figure E-3.

²² *See* 1984 GAO Study at 20.

²³ *See* Figure E-4.

²⁴ *See* Figure E-6.

²⁵ *See* 1984 GAO Study at 17.

²⁶ H. REP. NO. 102-655 at 9, *reprinted in* 1992 U.S.C.C.A.N. 773. The legislative history from the original 1975 amendments also describes the use of effective targeting. *See* CONG. REC. S13650 (daily ed. July 24, 1975) (statement of Sen. Tunney); S. REP. NO. 94-295 at 69, *reprinted in* 1975 U.S.C.C.A.N. 820. The Department of Justice guidelines explicitly provide for targeting. *See also* 28 C.F.R. § 55.17 (stating the Attorney General’s view “that a targeting system will normally fulfill the Act’s minority language requirements if it is designed and implemented in such a way that language minority group members who need minority language materials and assistance receive them”). Even opponents of Section 203 have endorsed the use of targeting. *See generally* Statement of Stanley Diamond, Chairman of U.S. English, on Proposed Extension of Voting Rights Act, *in* S. 2236 Hearings, 102d Cong., 2d Sess., S. HRG. 102-1066, at 300 (describing targeting as the “least objectionable alternative” where it is limited to voter assistance and does not include “printing all materials in languages other than English”).

²⁷ *See* Figure E-11.

²⁸ *See* Figure E-12.

²⁹ *See* Figure E-13.

³⁰ Two of the jurisdictions providing only bilingual election materials also are covered for American Indian languages. These jurisdictions only have an average American Indian voting age population of .7 percent, of whom 12.4 percent are limited-English proficient.

³¹ *See* Figure E-14.

³² *See* Figure E-15.

³³ *See* Figure E-16.

³⁴ *See* Figure E-17.

³⁵ The average cost was calculated from the 95 jurisdictions submitting complete cost data that responded to this question.

³⁶ *See* Figure E-18.

³⁷ *See* Figure E-19.

³⁸ 28 C.F.R. § 55.18(e).

³⁹ *See* Figure E-20.

⁴⁰ *See* Figure E-24.

⁴¹ *See* Figure E-23.

⁴² 28 C.F.R. § 55.15.

⁴³ *See* Figure E-21.

⁴⁴ *See* Figure E-22.

⁴⁵ Respondent 558.

⁴⁶ Respondents 311, 402, 550.

⁴⁷ Respondent 652.

⁴⁸ Respondent 206.

⁴⁹ Respondent 949.

⁵⁰ Respondent 537.

⁵¹ Respondent 773.

⁵² Respondent 616.

⁵³ Respondent 839.

⁵⁴ Respondent 276.

⁵⁵ Respondent 402.

⁵⁶ Respondent 434.

⁵⁷ *See* Figures E-25 through E-27.

Appendix A:
Biographies of Research Team

Project Co-Directors

Dr. James Thomas Tucker (Chandler, Arizona)

Dr. Tucker is an Adjunct Professor at the Barrett Honors College at Arizona State University, and co-director of the study of minority language assistance practices in public elections. Dr. Tucker is a Shareholder with the Phoenix law firm of Ogletree Deakins, P.C. He formerly served as a senior trial attorney with the Voting Section of the Civil Rights Division at the United States Department of Justice in Washington, D.C. He has authored several articles on the Voting Rights Act, including a forthcoming piece on the language assistance provisions of the VRA. Dr. Tucker received his S.J.D. and LL.M. from the University of Pennsylvania, his J.D. from the University of Florida, his M.P.A. from the University of Oklahoma, and his B.A. in History from Arizona State University's Barrett Honors College.

Dr. Rodolfo Espino (Phoenix, Arizona)

Dr. Rodolfo Espino is an Assistant Professor in the Department of Political Science at Arizona State University, and is co-director of the study of minority language assistance practices in public elections. Dr. Espino received his B.A from Luther College and his M.A. and Ph.D. from the University of Wisconsin-Madison. Dr. Espino's primary research and teaching interests are in the fields of American politics and political methodology. Dr. Espino is presently engaged in a number of research projects, including an examination of the effects of residency patterns on public policy attitudes, the determinants of instability in congressional roll call voting, translation effects in surveys of Latinos in the United States, and midpoint inflation bias in public opinion surveys.

Student Researchers at the Barrett Honors College

Rebecca Amrani (Wichita, Kansas)

Ms. Amrani is a Senior in the Barrett Honors College at Arizona State University, majoring in Media Management with a minor in Business. Ms. Amrani is a National Merit Scholar, and recipient of the Grady Gammage Memorial and Sun Devil Scholarships. After graduation, Ms. Amrani plans to pursue an MBA and work in the television industry.

Elizabeth Andrews (Tempe, Arizona)

Ms. Andrews is a Junior in the Barrett Honors College at Arizona State University, with a double major in Political Science and History. Ms. Andrews is a National Merit Scholar and is a recipient of the Leadership Scholarship, Robert C. Byrd Scholarship, and ASU President's Scholarship. Ms. Andrews presently is a Junior Fellow in the Department of Political Science and an Undergraduate Research Fellow in the Center for the Study of Religion and Conflict. After graduation, Ms. Andrews plans to pursue a graduate degree in public policy and attend to law school.

Linley Barney (Farmington, New Mexico)

Ms. Barney is a Senior in the Barrett Honors College at Arizona State University, with a double major in Political Science and Italian. Ms. Barney is a recipient of the Sun Devil Scholarship. After graduation, Ms. Barney plans to attend law school.

Jessica Becker (Anoka, Minnesota)

Ms. Becker is a Junior in the Barrett Honors College at Arizona State University, with a double major in Political Science and Economics. Ms. Becker is a National Merit Scholar. After graduation, Ms. Becker plans to pursue a graduate degree in Economics or attend law school.

Nicole Finch (Peoria, Arizona)

Ms. Finch is a Senior in the Barrett Honors College at Arizona State University, majoring in Psychology. Ms. Finch is a recipient of the President's Scholarship. After graduation, Ms. Finch plans to attend graduate school.

Heather Hinderland (Glendale, Arizona)

Ms. Hinderland is a Senior in the Barrett Honors College at Arizona State University, majoring in Political Science. Ms. Hinderland is one of just five undergraduate students enrolled in the inaugural class of the combined B.A./M.A program in the Department of Political Science. Ms. Hinderland is a recipient of the President's Scholarship. She will be awarded her masters degree in 2007.

Karissa Kater (Phoenix, Arizona)

Ms. Kater is a Senior in the Barrett Honors College at Arizona State University, majoring in Psychology with a minor in Women's Studies. Ms. Kater is a recipient of the ASU Provost Scholarship, and is an active member of the Phi Eta Sigma First-Year Honors Society and Omega Phi Alpha Community Service Sorority. Ms. Kater is planning on pursuing a graduate degree in Clinical Psychology.

Kristine Kelley (Scottsdale, Arizona)

Ms. Kelley is a May 2005 graduate of the Barrett Honors College at Arizona State University, with a B.A. in Journalism and Mass Communication with a concentration in Media Management. Ms. Kellel is a recipient of the ASU Medallion of Merit Scholarship, Rotary Scholarship for Performing Arts, ASU University Scholarship, Phoenix Press Club Scholarship, and Arizona Merit Scholarship. Ms. Kelley was an International Radio & Television Society (IRTS) Summer Fellow in 2004. Ms. Kelley is employed in media planning by Zenith Optimedia in New York City.

Lauron Lovato (Albuquerque, New Mexico)

Ms. Lovato is a Junior in the Barrett Honors College at Arizona State University, majoring in Justice Studies with minors in Spanish and Business. Ms. Lovato is a recipient of the Sun Devil Scholarship. After graduation, Ms. Lovato plans to attend graduate school.

Laura Thorson (Mesa, Arizona)

Ms. Thorson is a Junior in the Barrett Honors College at Arizona State University, with a double major in Political Science and History and a certificate in Philosophy, Politics, and Law. Ms. Thorson is a receipt of the ASU President's Scholarship, Medallian of Merit Scholarship, TruWest Credit Union Scholarship, and Student Development and Memorial Union Pepsi Scholarship. After graduation, Ms. Thorson plans to attend to law school.

Appendix B:

Language Assistance in Voting Survey

Barrett Honors College

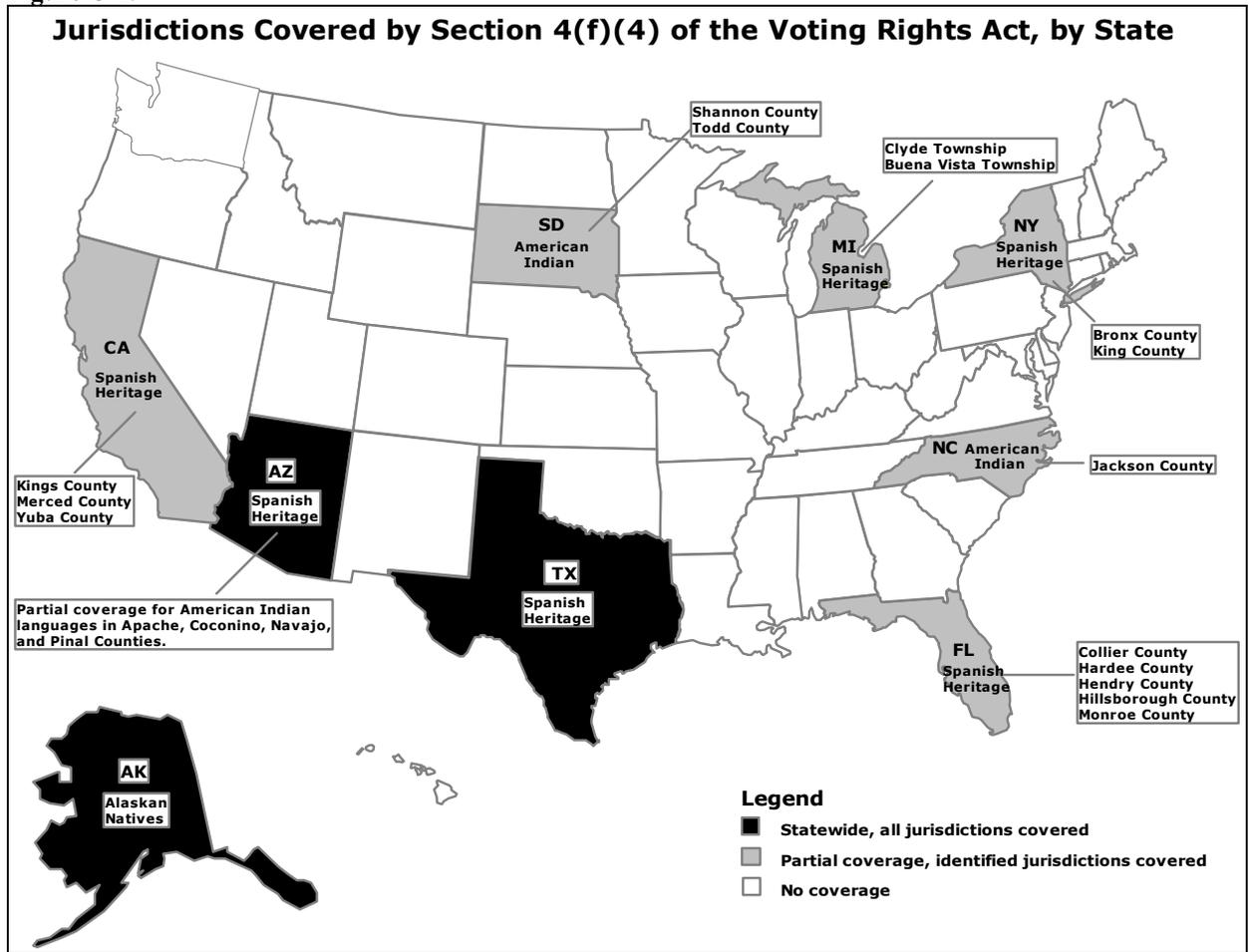
Arizona State University

February 2005

Exhibit C:

**Jurisdictions Covered by the Language
Assistance Provisions of the Voting Rights Act**

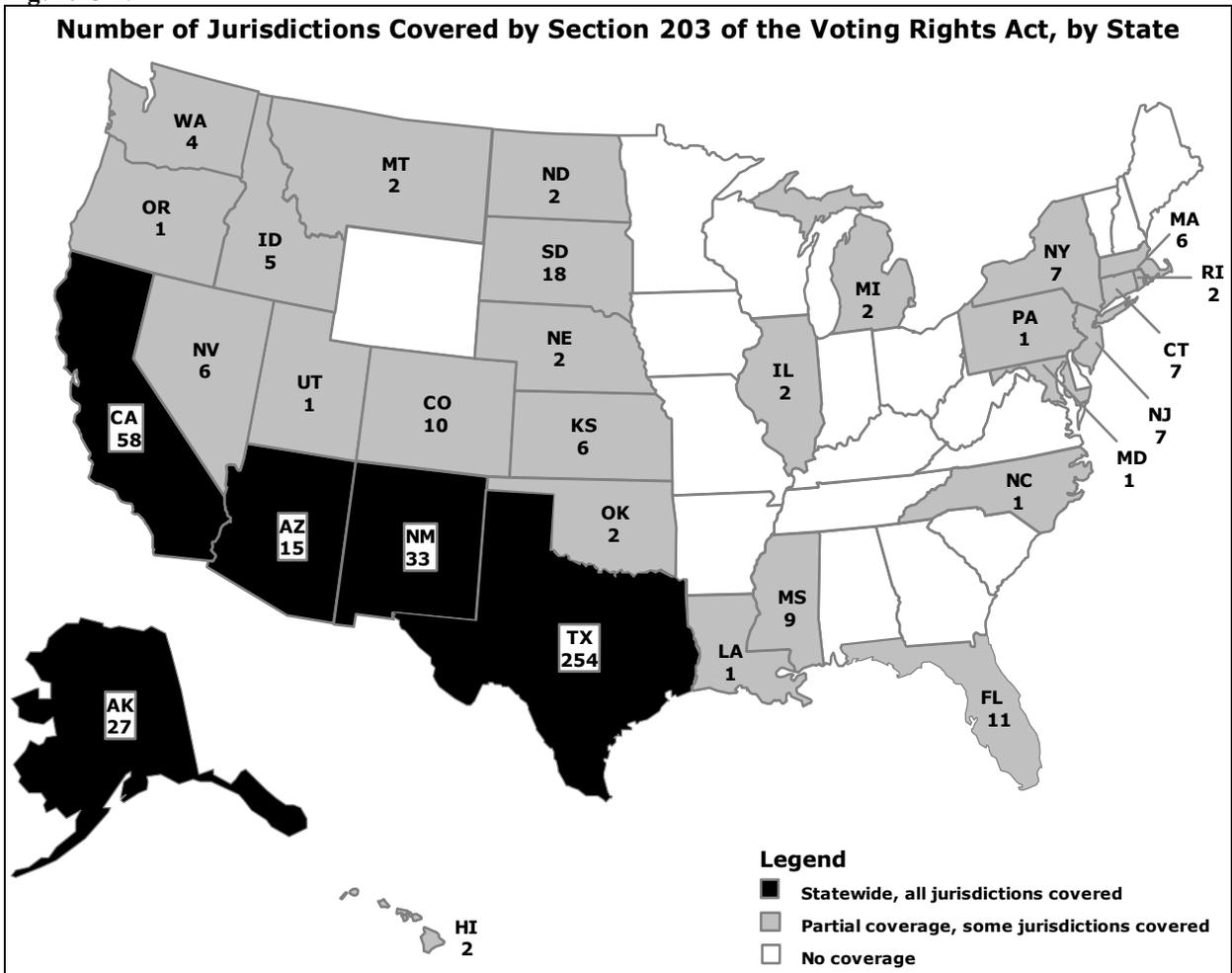
Figure C-1.



Source: 28 C.F.R. Part 55, Appendix (summarizing coverage determinations).

Figure C-1 depicts the six states that are covered, either in whole or in part, by Section 4(f)(4) of the Voting Rights Act. The map graph also identifies the covered languages and political subdivisions covered in each state.

Figure C-2.



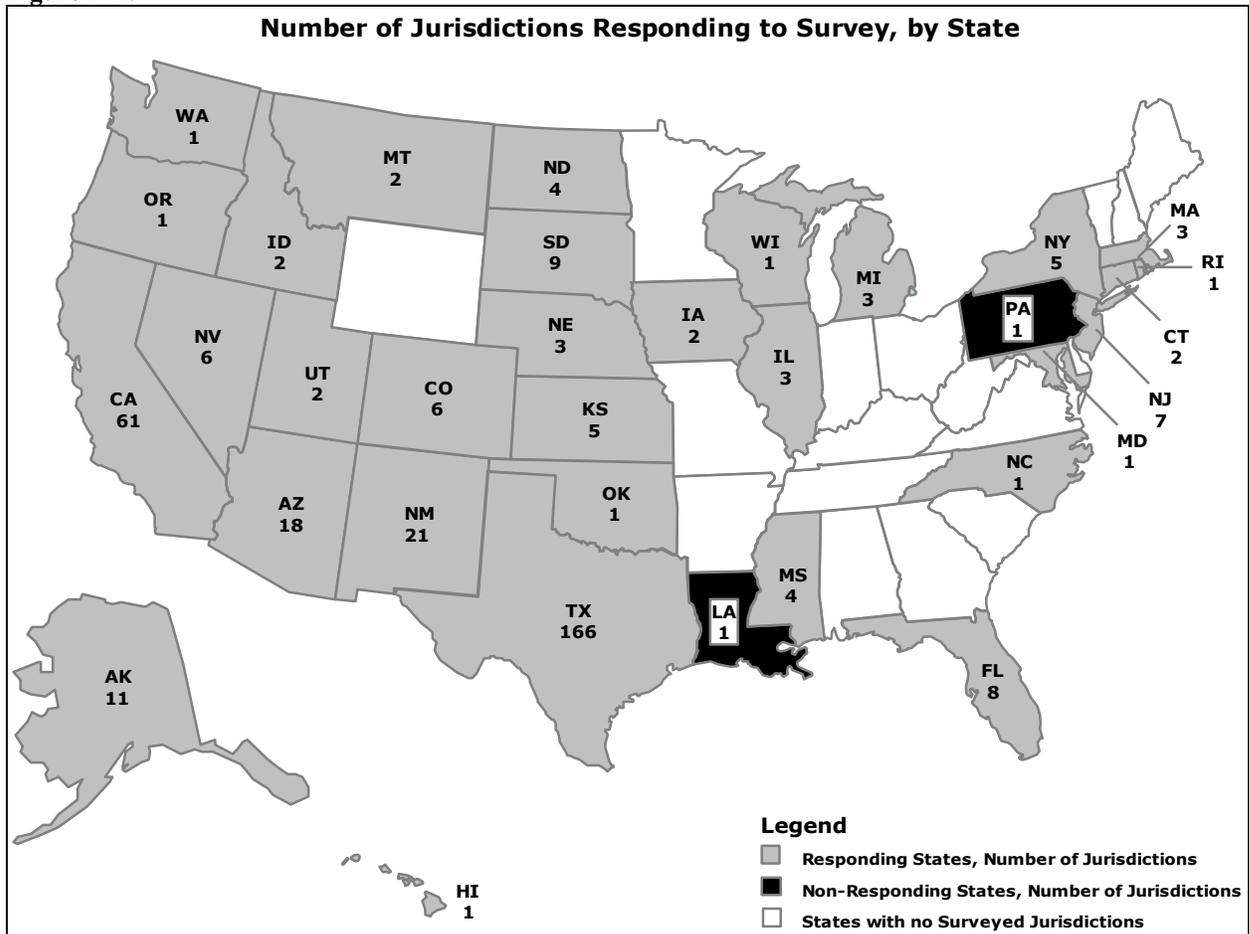
Source: 28 C.F.R. Part 55, Appendix (summarizing coverage determinations).

Figure C-2 depicts the 31 states that are covered, either in whole or in part, by Section 203 of the Voting Rights Act. The map graph includes all of those jurisdictions covered by Section 4(f)(4) of the Act, which triggers coverage under Section 203. The graph also depicts the number of counties/parishes covered in each state, as well as municipalities or townships specifically covered for language assistance.

Exhibit D:

Jurisdictions Responding to the Survey

Figure D-1.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections.

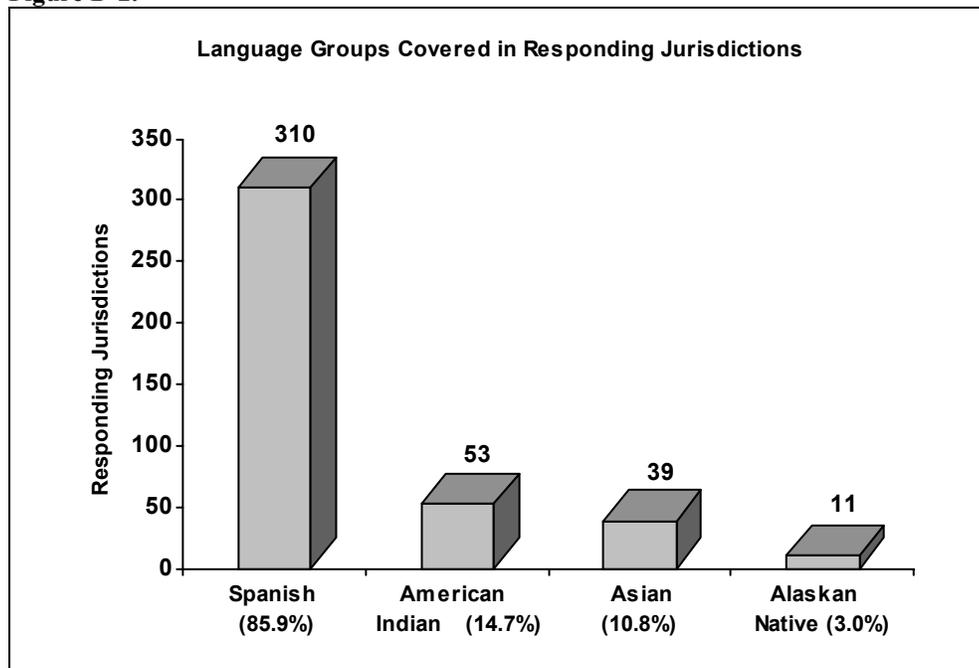
Figure D-1 depicts the states and covered political subdivisions that responded to the survey. Of the thirty-three states receiving the survey, thirty-one responded (93.9%). Two states with a single covered county or parish, Louisiana and Pennsylvania, did not respond. The number of responding jurisdictions is provided for each state.

Complete survey responses were received from 361 jurisdictions in 31 states. A response was considered “complete” if the responding jurisdiction answered at least half of all of the survey questions. Additional responses were received from approximately

50 additional jurisdictions, which did not complete the survey because they reported that their elections were handled by other surveyed jurisdictions.

Seventy-two percent of all responding jurisdictions are counties, twenty-six percent are cities or boroughs, and two percent are states. Responding jurisdictions ranged from a low population of 67 people to a high of over eight million people, with a mean population of 33,627 people. Among the respondents, 57.9 percent (N = 209) are required to make Section 5 submissions because of coverage under Section 4(f)(4) and Section 4(b) of the Voting Rights Act.

Figure D-2.

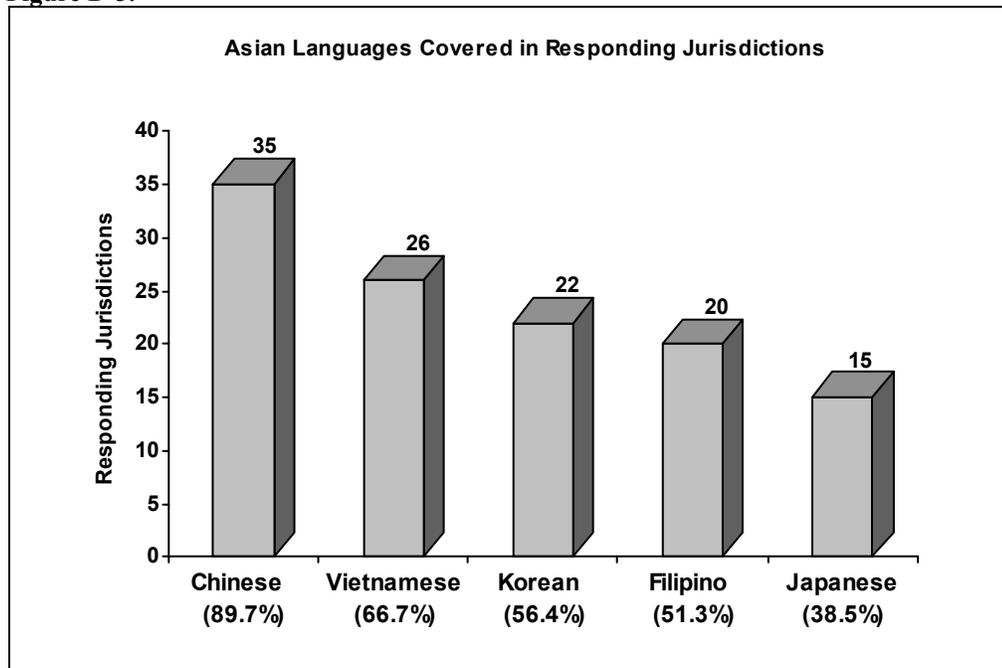


Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections and 28 C.F.R. Part 55, Appendix (summarizing coverage determinations).

Figure D-2 depicts the languages covered in the responding jurisdictions. Among the respondents, 85.9 percent are covered for Spanish, 14.7 percent for American Indian languages, 10.8 percent for Asian languages, and 3.0 percent for Alaskan Native

languages. Respondents include jurisdictions covered by 26 out of the 29 languages (89.7%) identified for coverage in the July 2002 Census determinations.

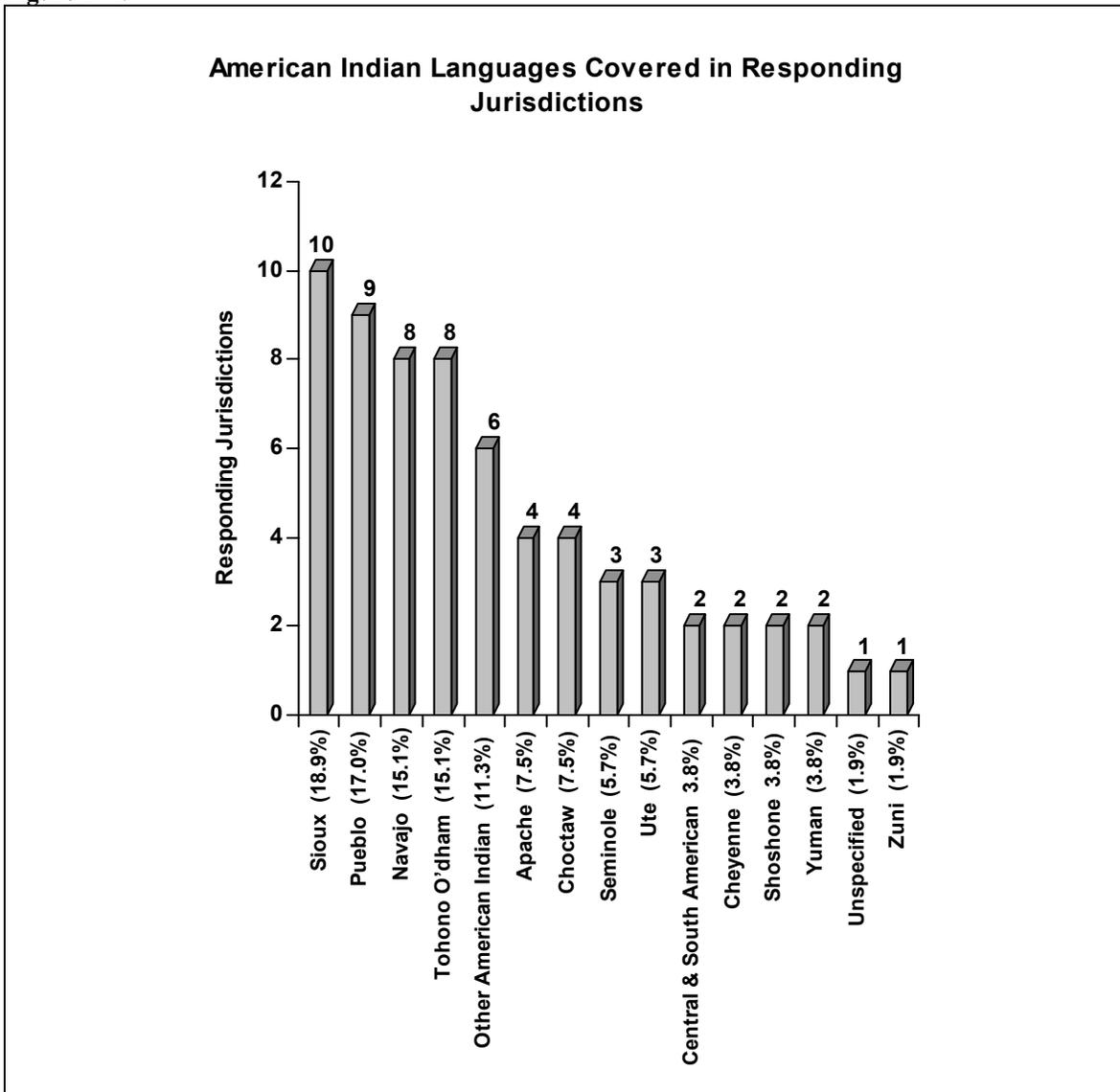
Figure D-3.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections and 28 C.F.R. Part 55, Appendix (summarizing coverage determinations).

Figure D-3 depicts the number of responding jurisdictions covered by Section 203 of the Voting Rights Act for the identified Asian languages. Several of the responding jurisdictions, particularly those in California, are covered for multiple Asian languages.

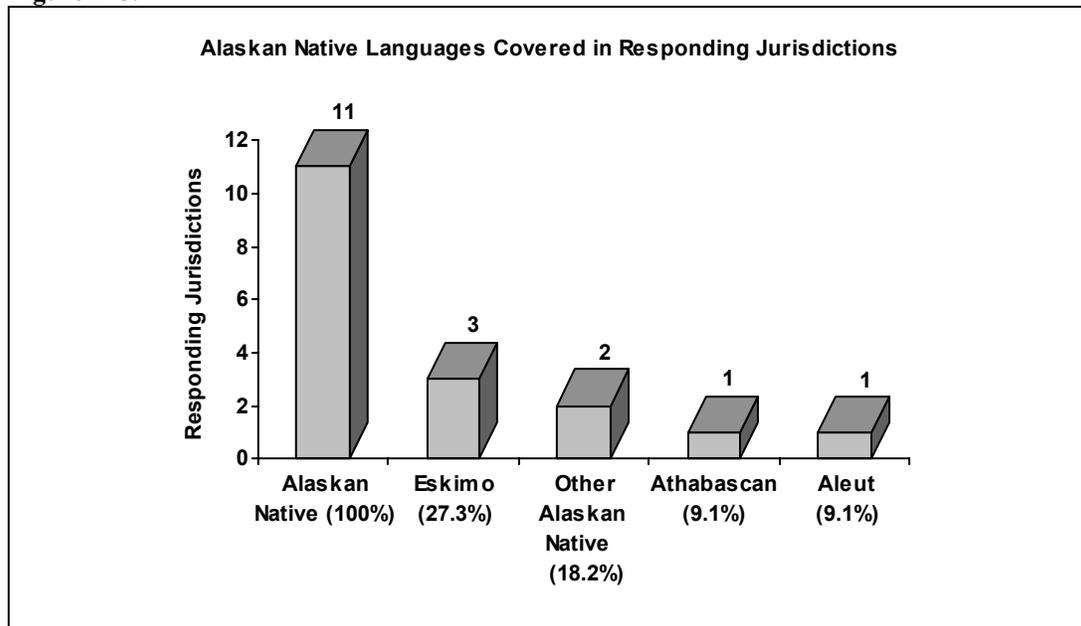
Figure D-4.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections and 28 C.F.R. Part 55, Appendix (summarizing coverage determinations).

Figure D-4 depicts the number of responding jurisdictions covered by Section 203 of the Voting Rights Act for the identified American Indian languages. The respondents are covered for fifteen of the eighteen American Indian language groups (83%). No responses were received from jurisdictions covered for the Chicasaw, Paiute, and Yacqui languages. Some responding jurisdictions in Alaska, Arizona, Nevada, and New Mexico are covered by more than one American Indian language.

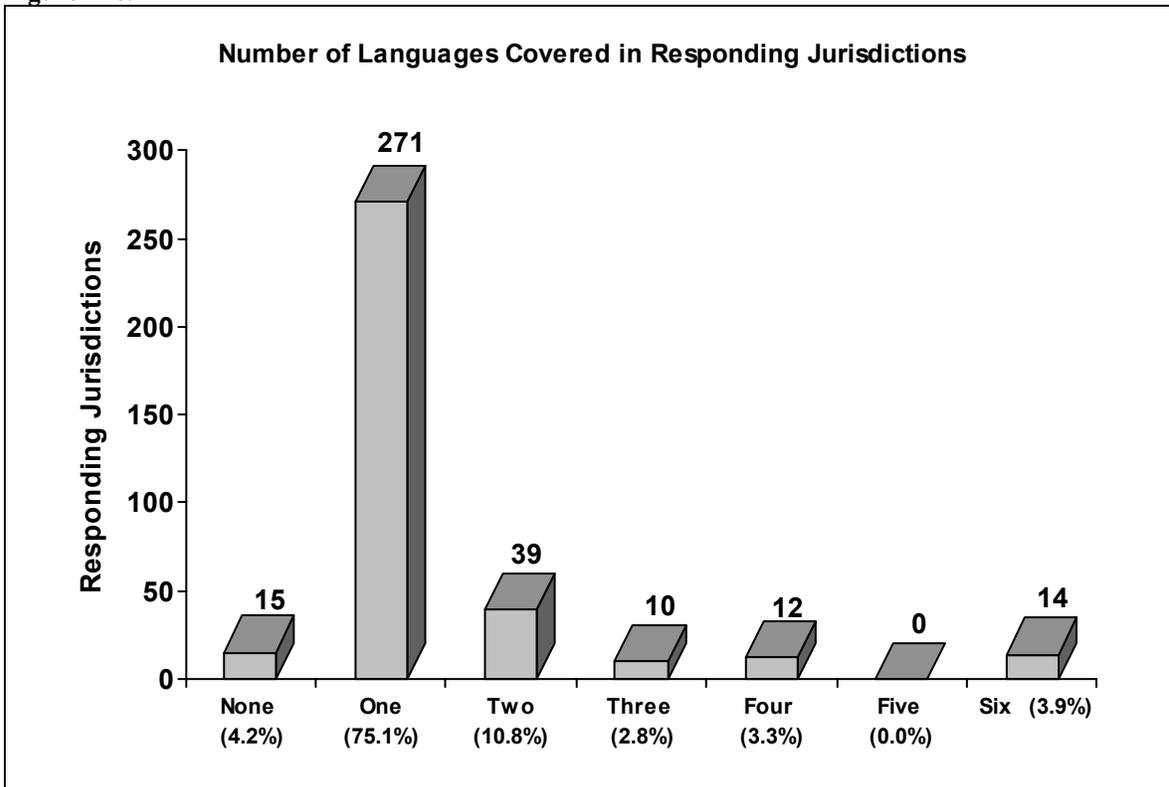
Figure D-5.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections and 28 C.F.R. Part 55, Appendix (summarizing coverage determinations).

Figure D-5 depicts the number of responding jurisdictions covered by Section 203 of the Voting Rights Act for the identified Alaskan Native languages. At least one response was received for each of the five Alaskan Native languages. All jurisdictions in the State of Alaska are covered for the Alaskan Native languages.

Figure D-6.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections and 28 C.F.R. Part 55, Appendix (summarizing coverage determinations).

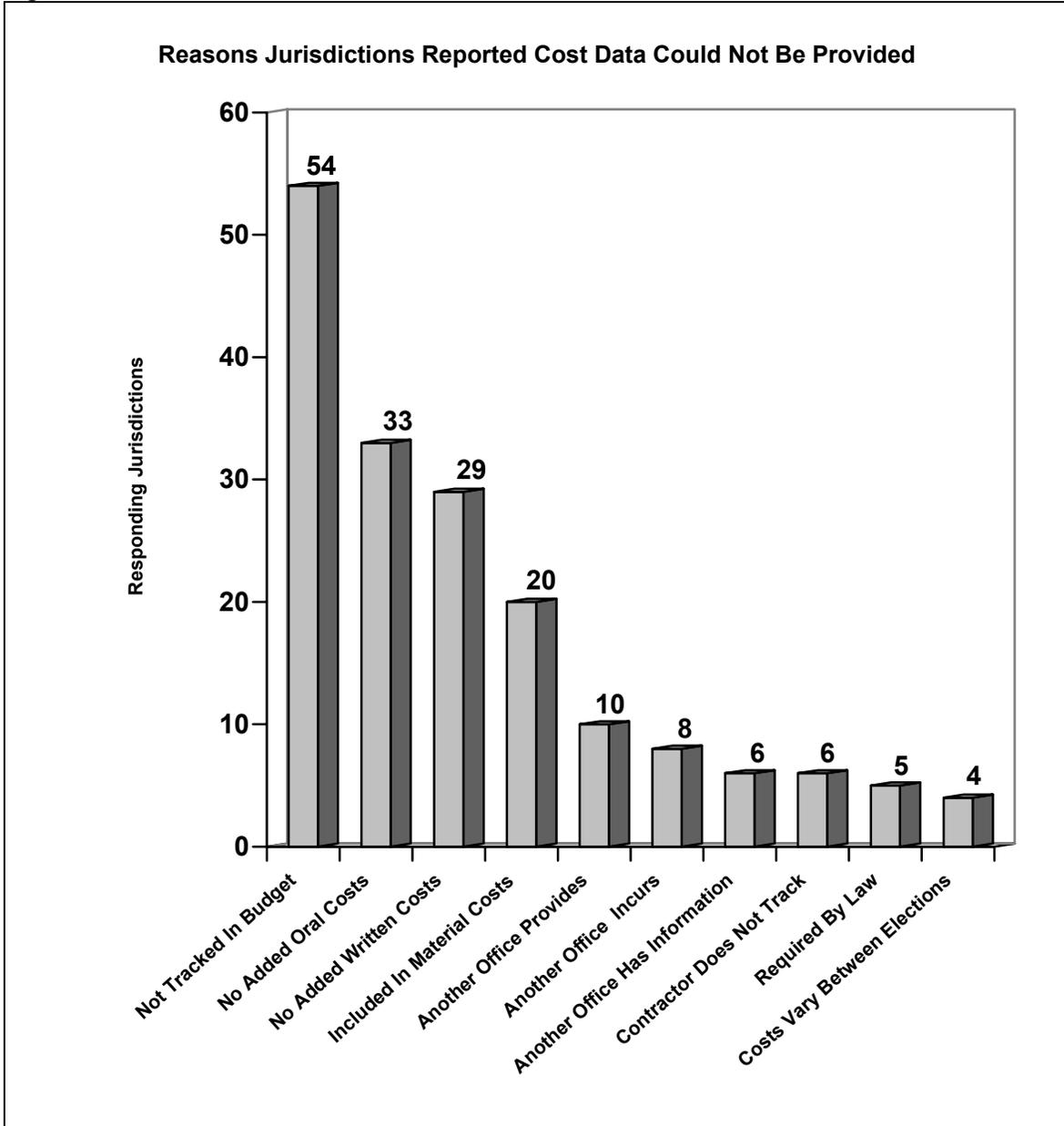
Figure D-6 depicts the number of languages covered in the responding jurisdictions. Responding jurisdictions were covered by an average of 1.4 languages, with the mean jurisdiction covered by one language.

Exhibit E:

Survey Results

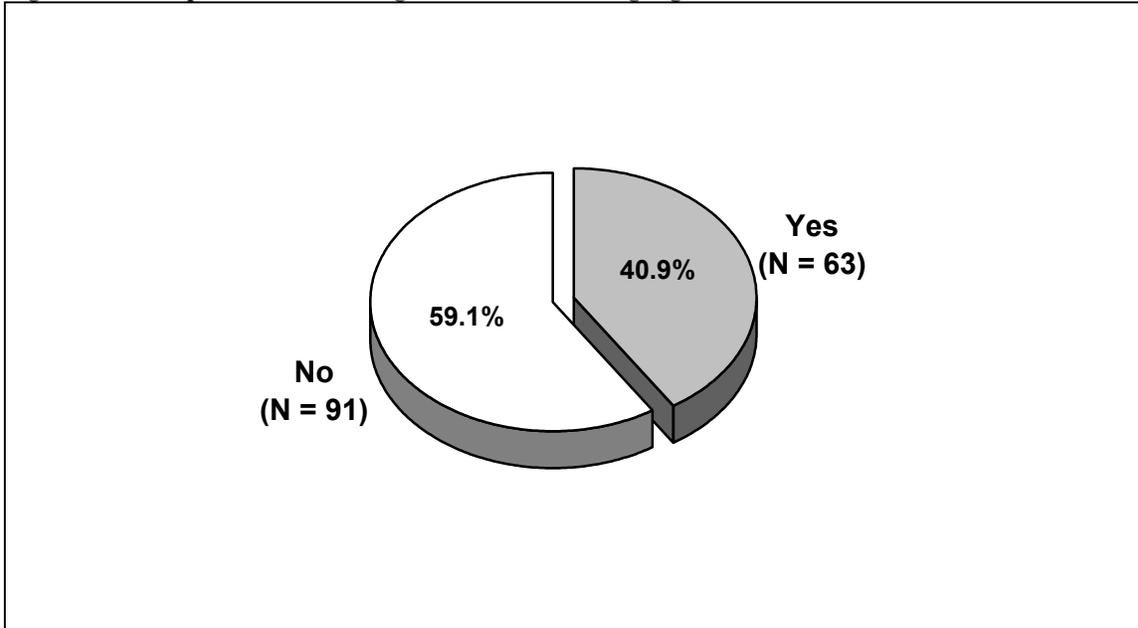
Cost Data

Figure E-1.



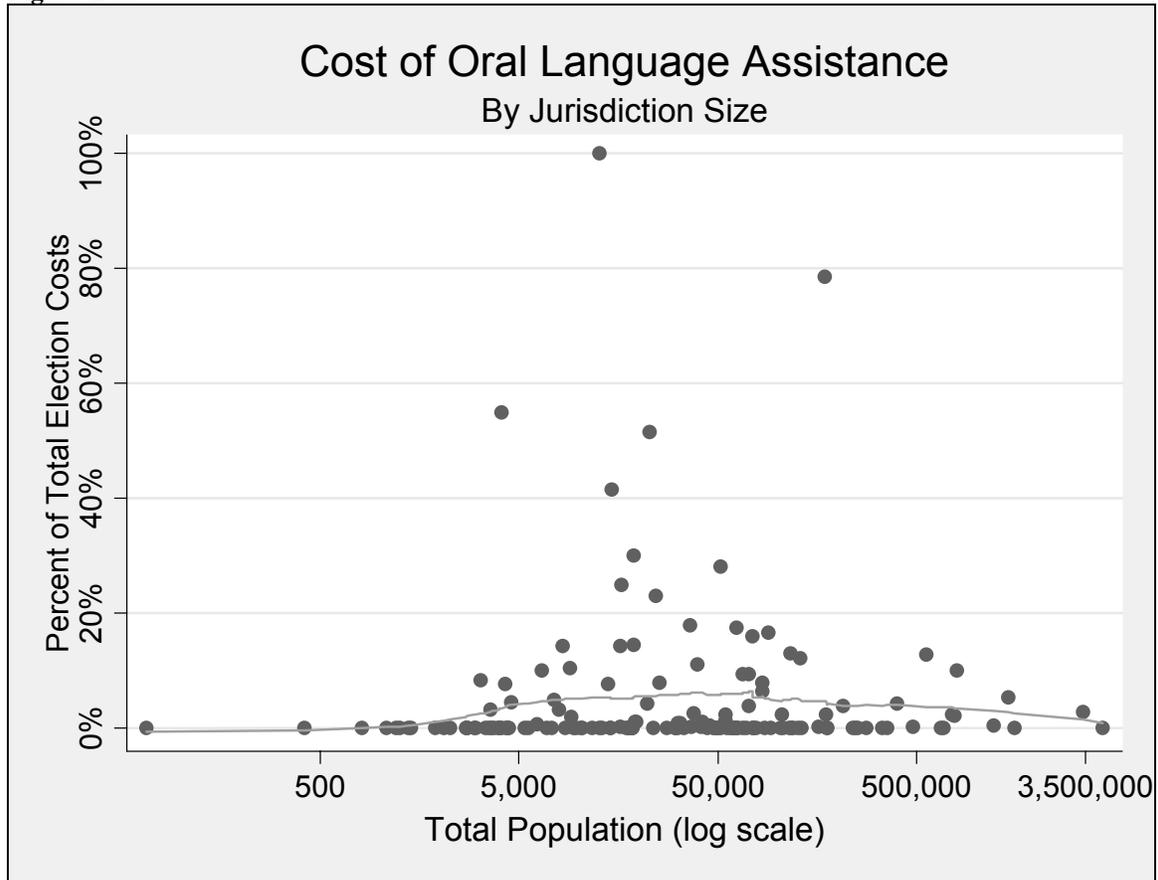
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question G-2c.

Figure E-2. Respondents Incurring Costs for Oral Language Assistance.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question G-2a.

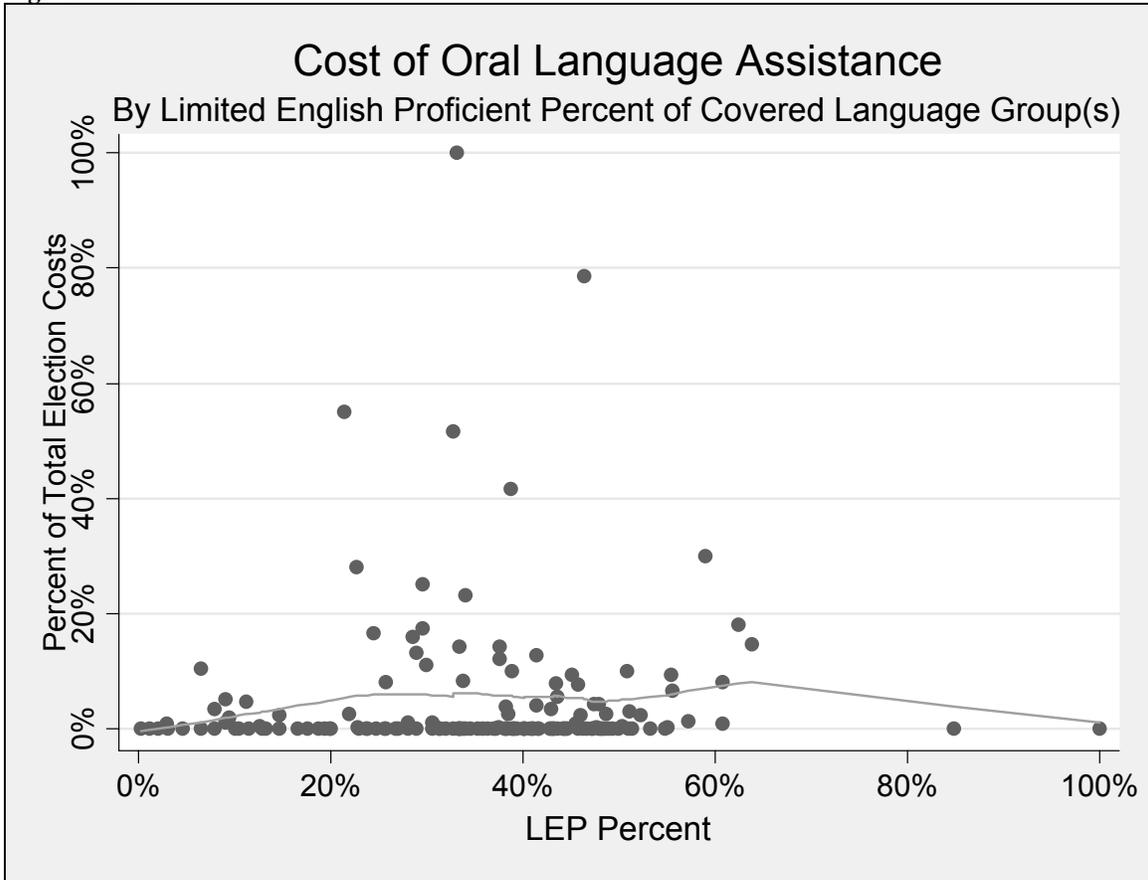
Figure E-3.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question G-2a and 2000 Census, Summary Tape File 1.

Figure E-3 shows that the average cost of providing oral language (the gray line) remains approximately the same regardless of the responding jurisdiction's population. A majority of all responding jurisdictions reporting no oral assistance costs are depicted on the very bottom of Figure, with the mean jurisdiction incurring no additional costs. Approximately ten percent of all responding jurisdictions reported costs far in excess of the average cost reported by the remaining ninety percent of respondents. These 16 outliers are depicted at the top of the Figure. One jurisdiction reported that 100 percent of its total election costs were attributable to oral language assistance.

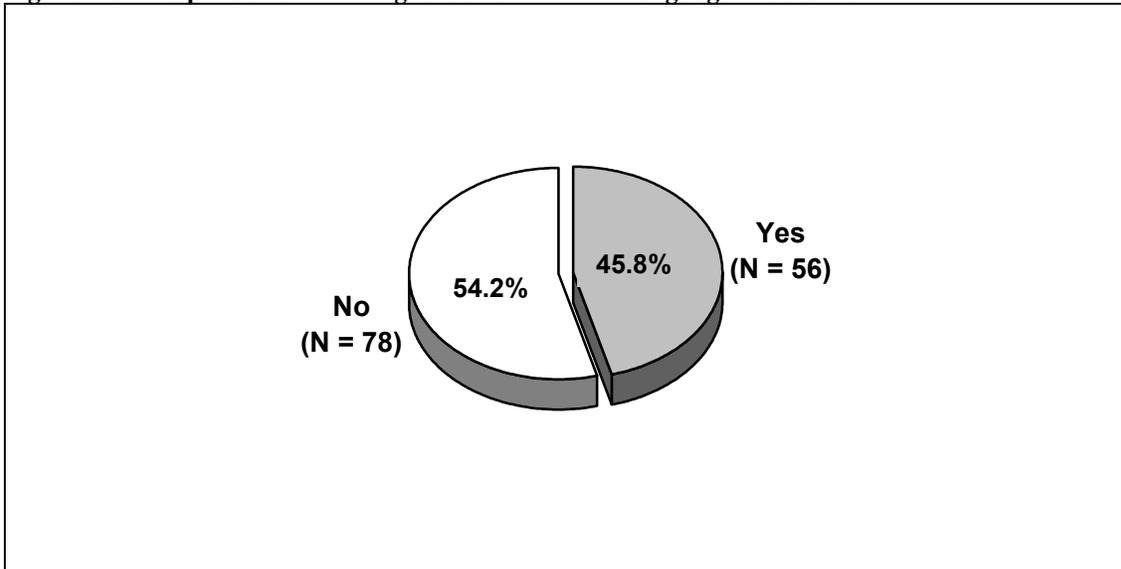
Figure E-4.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question G-2a and 2000 Census, Summary Tape File 3.

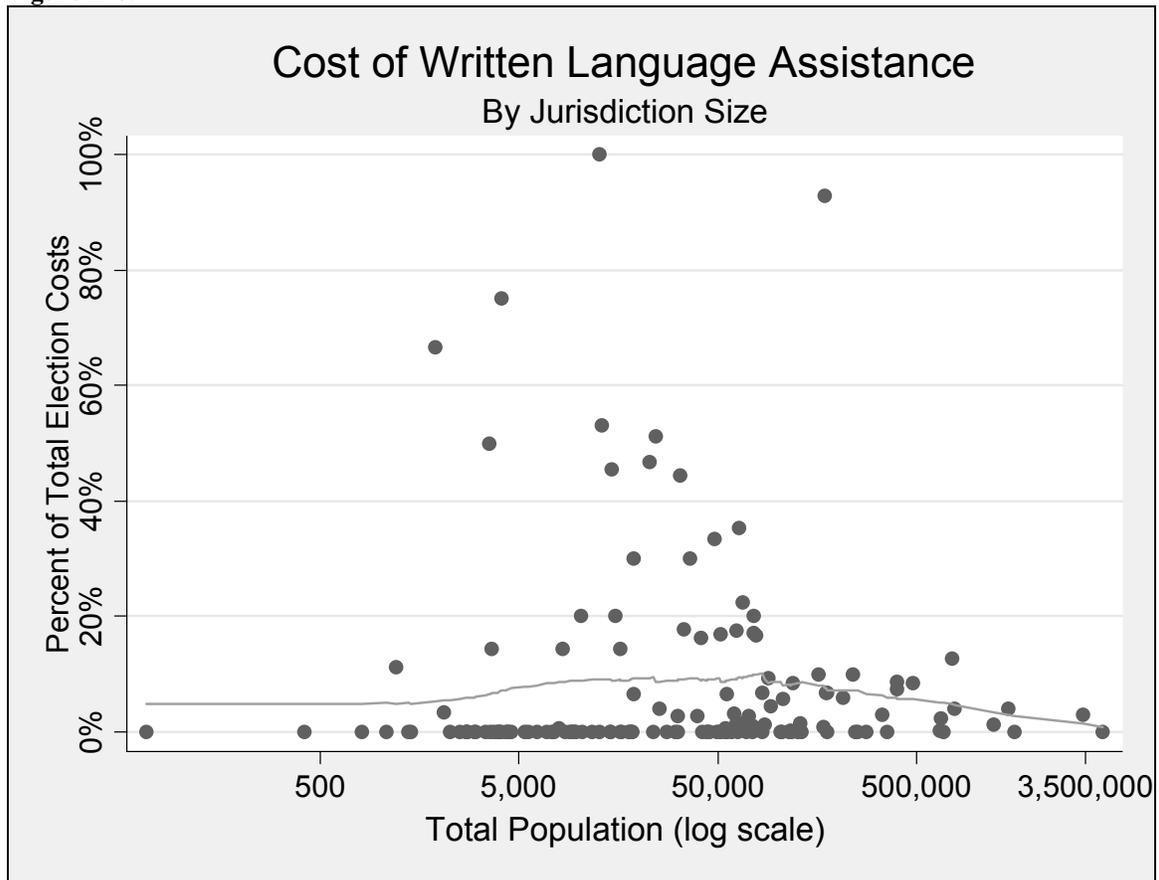
Figure E-4 shows that the average cost of providing oral language (the gray line) remains approximately the same regardless of the percentage of limited-English proficient voters in the responding jurisdiction.

Figure E-5. Respondents Incurring Costs for Written Language Assistance.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question G-2b.

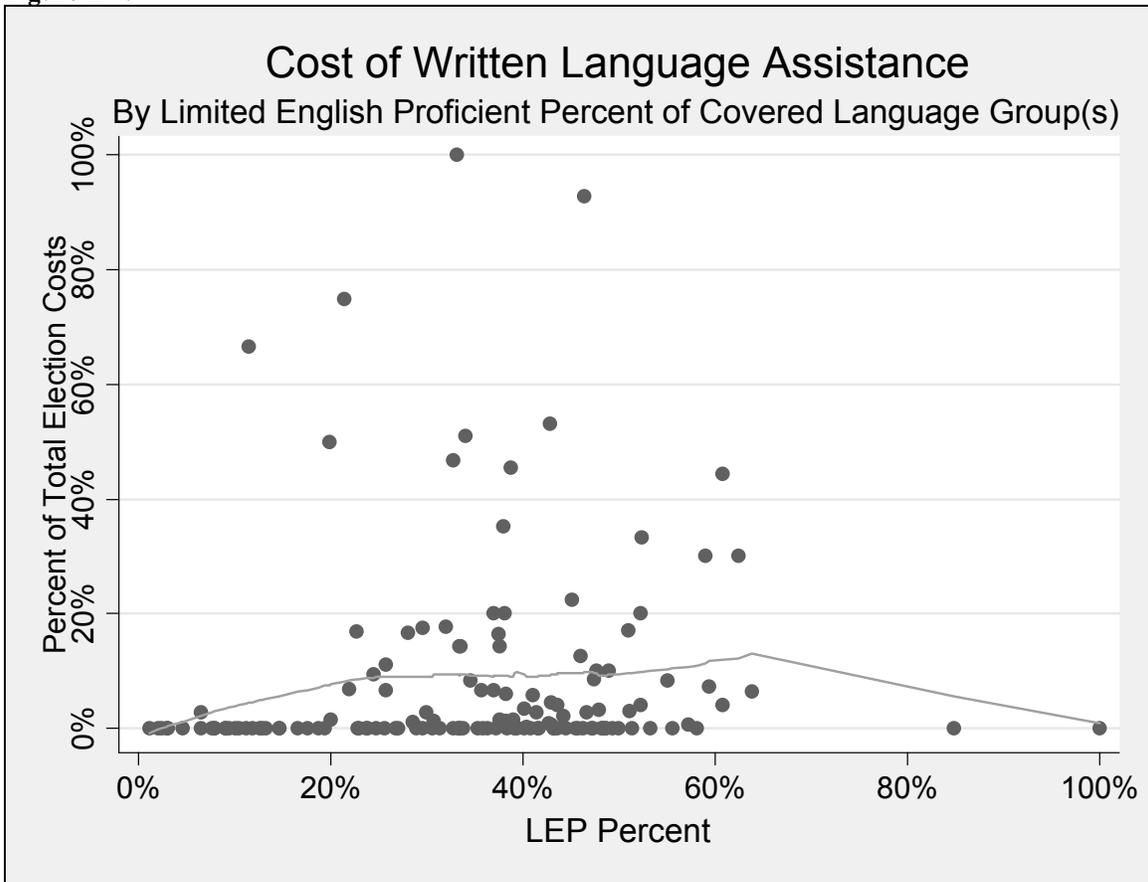
Figure E-6.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question G-2b and 2000 Census, Summary Tape File 1.

Figure E-6 shows that the average cost of providing written language (the gray line) remains fairly constant regardless of the responding jurisdiction's population. A majority of all responding jurisdictions reporting no costs for bilingual written materials are depicted on the very bottom of Figure, with the mean jurisdiction incurring no additional costs. Approximately ten percent of all responding jurisdictions reported costs far in excess of the average cost reported by the remaining ninety percent of respondents. These 15 outliers are depicted at the top of the Figure.

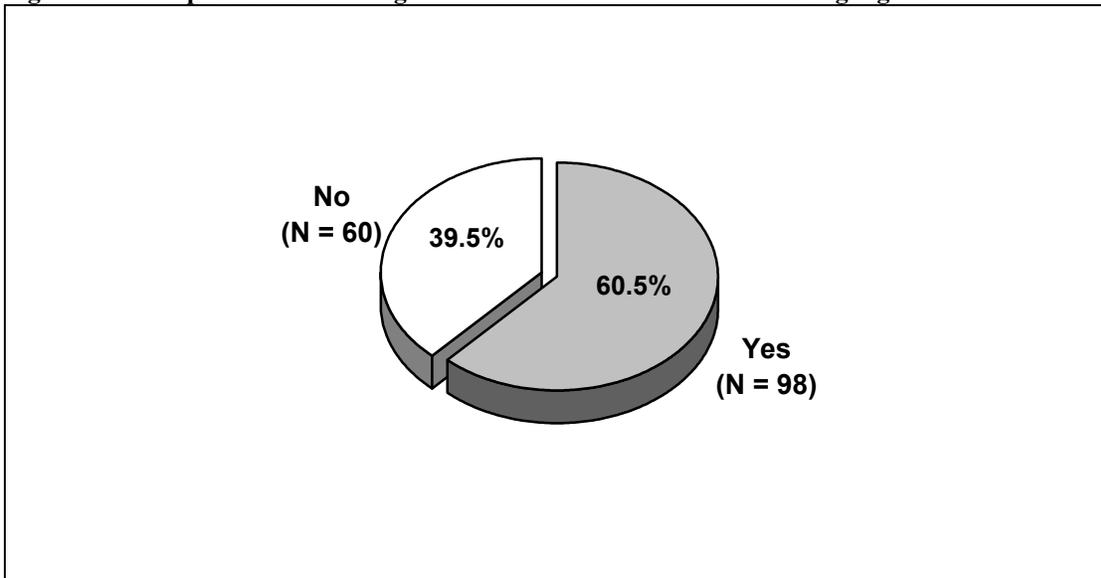
Figure E-7.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question G-2b and 2000 Census, Summary Tape File 3.

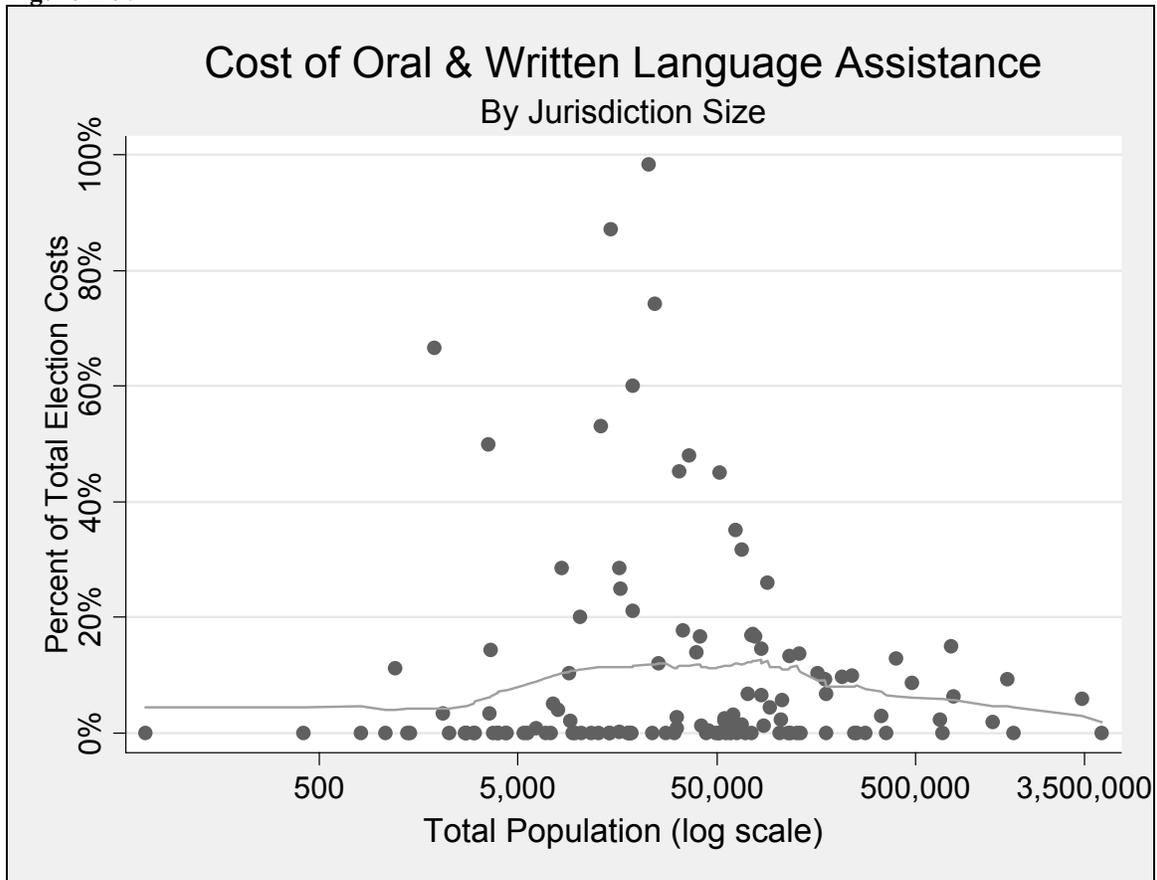
Figure E-7 shows that the average cost of providing bilingual written materials (the gray line) remains approximately the same regardless of the percentage of limited-English proficient voters in the responding jurisdiction.

Figure E-8. Respondents Incurring Costs for Either Oral or Written Language Assistance.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Questions G-2a and G-2b.

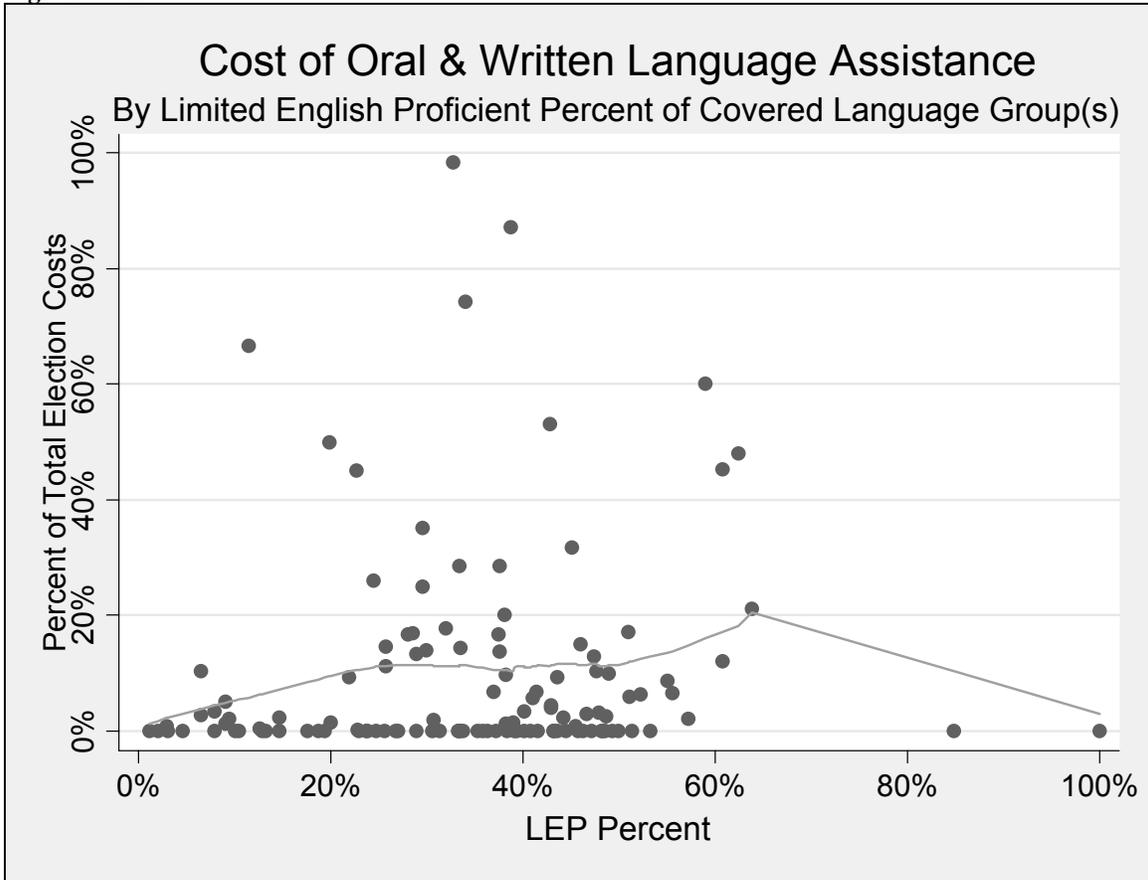
Figure E-9.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Questions G-2a and G-2b and 2000 Census, Summary Tape File 1.

Figure E-9 demonstrates that the average cost of providing both oral and written language assistance remains at roughly the same level regardless of the jurisdiction's population. The vast majority of responding jurisdictions reported total language assistance costs far below the average cost reported by all jurisdictions. Approximately ten percent of the jurisdictions remained outliers, with several jurisdictions attributing all or nearly all of their total election costs to language assistance. Three responding jurisdictions were dropped from Figure E-9 because they attributed more than 100 percent of their total election costs to language assistance.

Figure E-10.

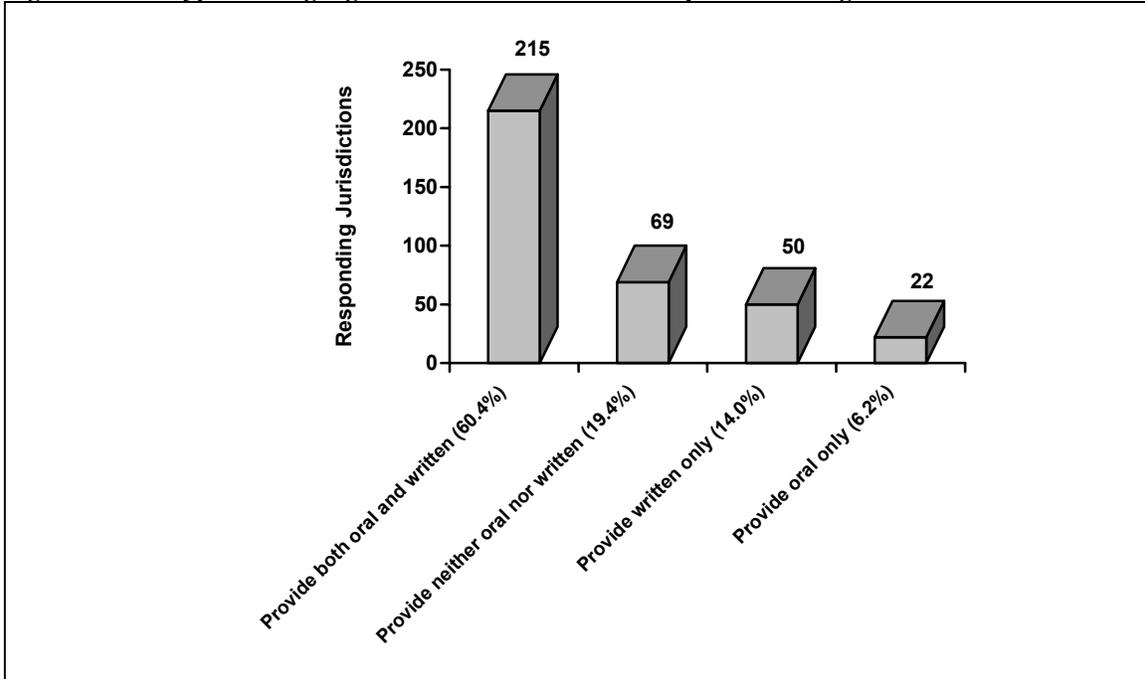


Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Questions G-2a and G-2b and 2000 Census, Summary Tape File 3.

Figure E-10 shows only a slight positive relationship between the percent of limited-English proficient voters in a responding jurisdiction and the cost of providing language assistance in that jurisdiction.

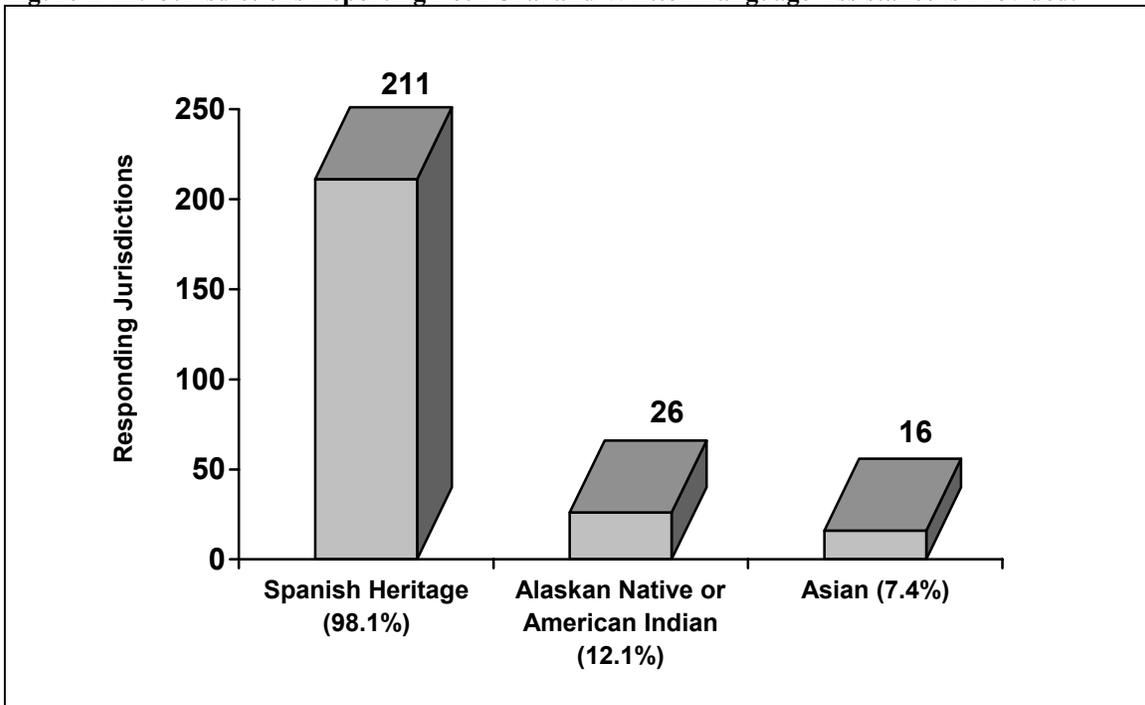
Language Assistance Practices

Figure E-11. Type of Language Assistance Jurisdictions Report Providing.



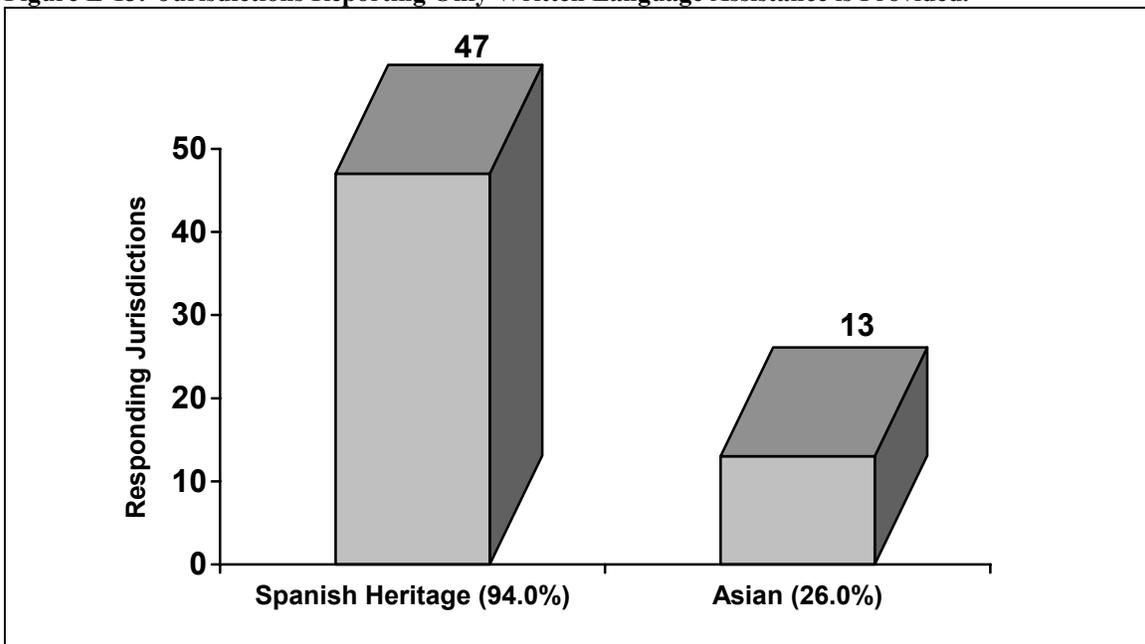
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Sections E and F.

Figure E-12. Jurisdictions Reporting Both Oral and Written Language Assistance is Provided.



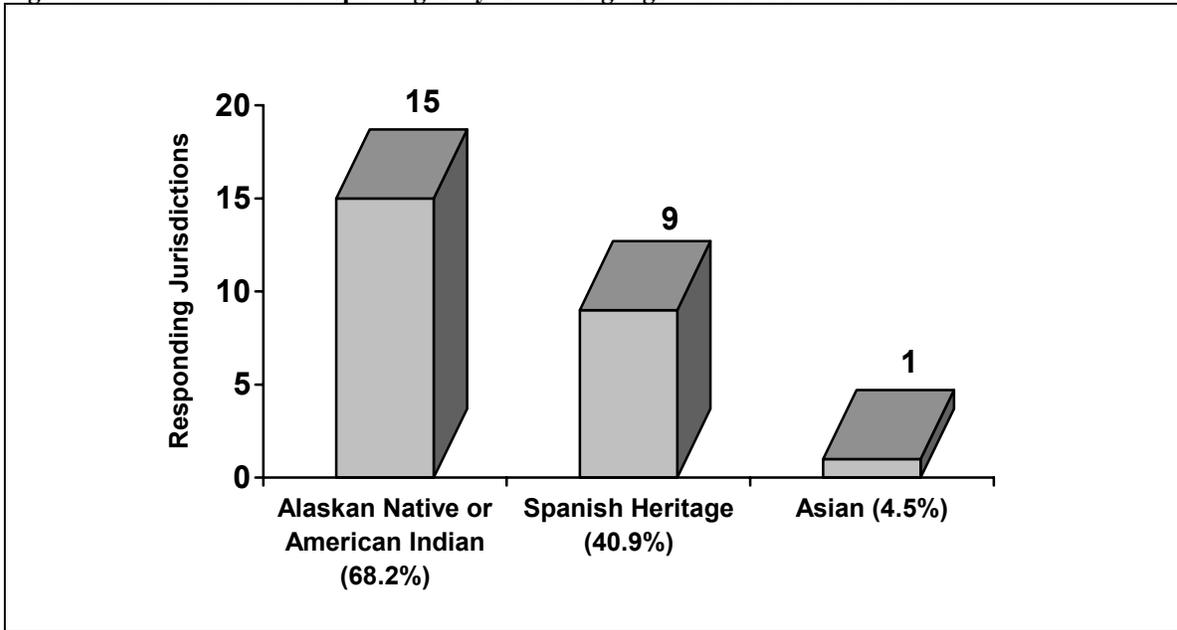
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Sections E and F.

Figure E-13. Jurisdictions Reporting Only Written Language Assistance is Provided.



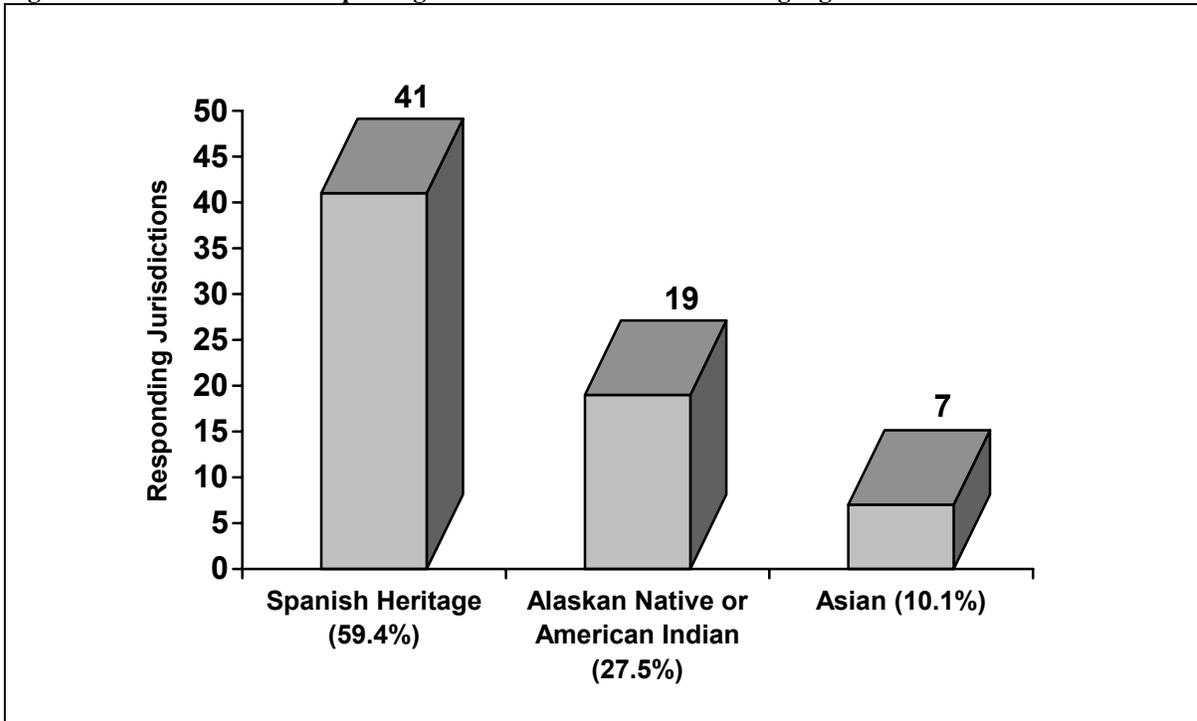
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Sections E and F.

Figure E-14. Jurisdictions Reporting Only Oral Language Assistance is Provided.



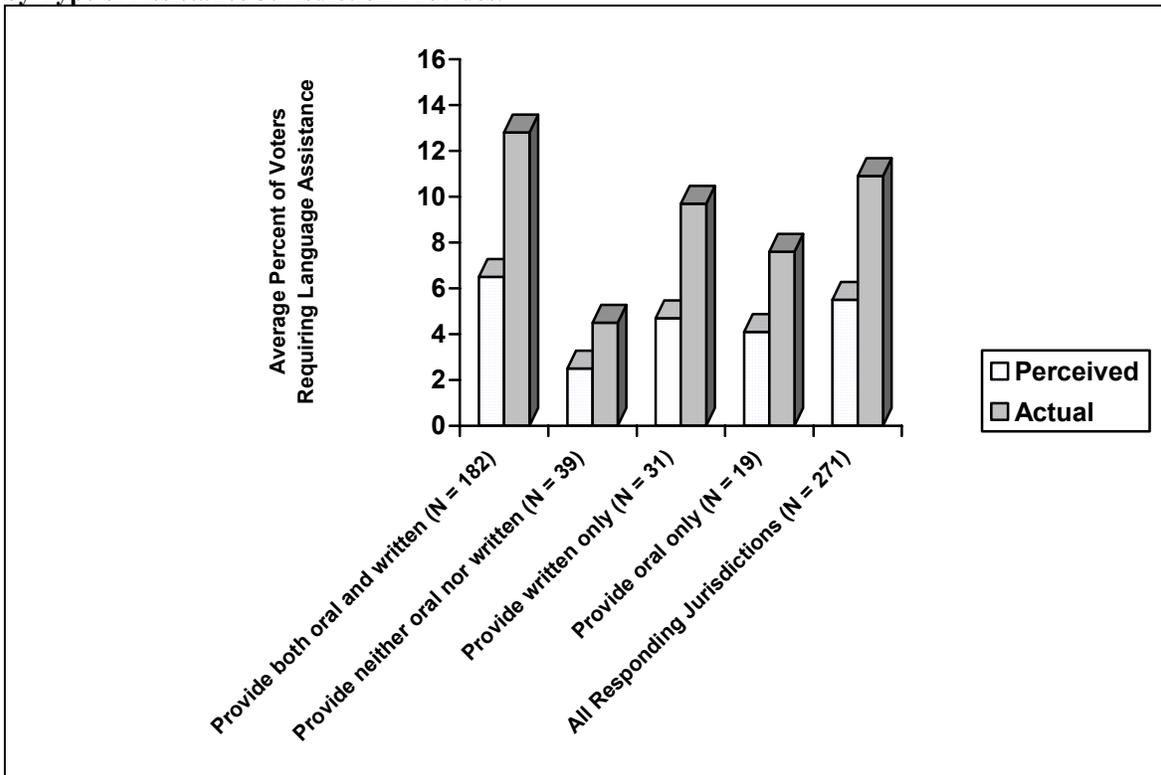
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Sections E and F.

Figure E-15. Jurisdictions Reporting Neither Oral Nor Written Language Assistance is Provided.



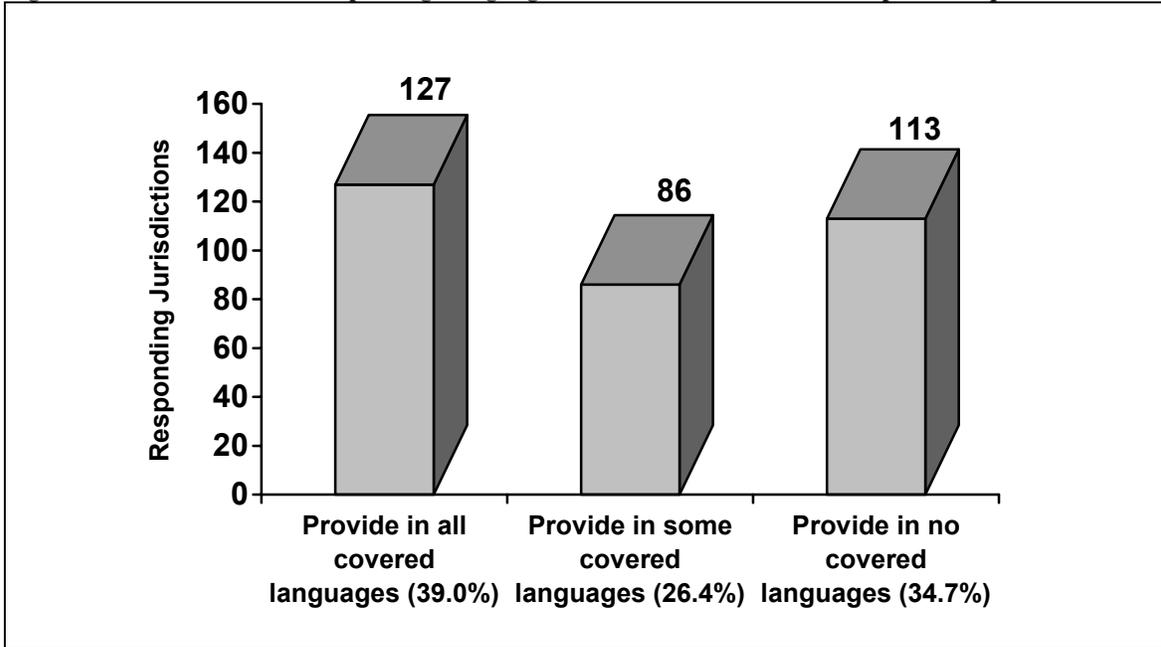
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Sections E and F.

Figure E-16. Jurisdictions' Estimates of Need for Language Assistance Compared to 2000 Census, by Type of Assistance Jurisdiction Provides.



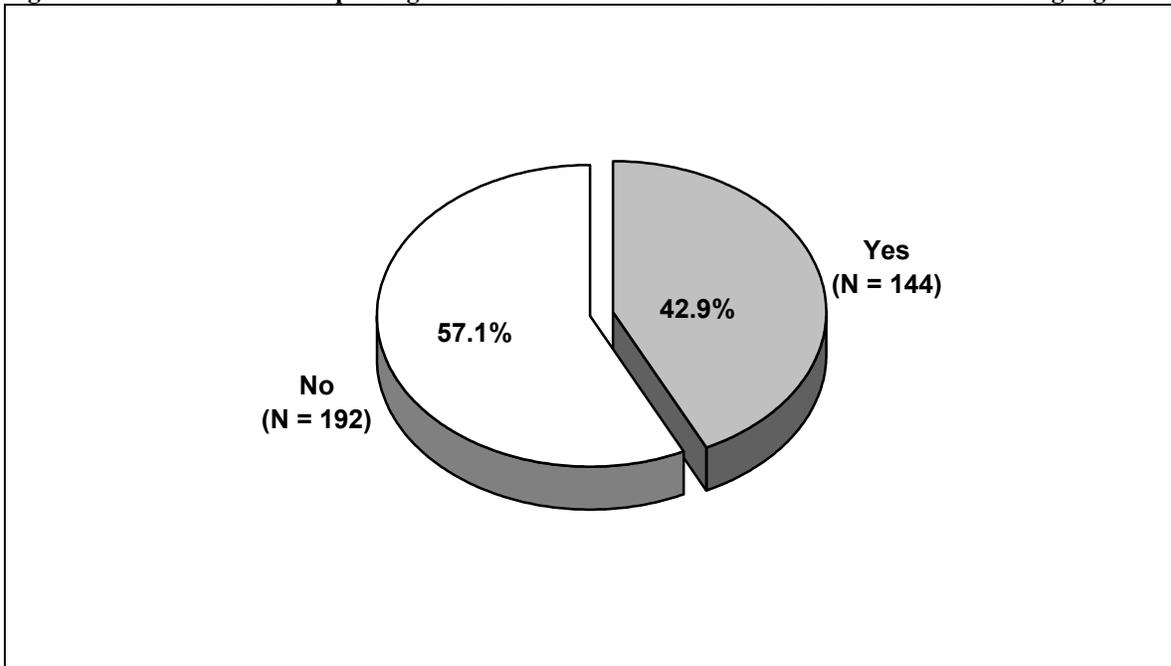
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question E-1 and 2000 Census, Summary Tape File 3.

Figure E-17. Jurisdictions Reporting Language Assistance Provided for Telephone Inquiries.



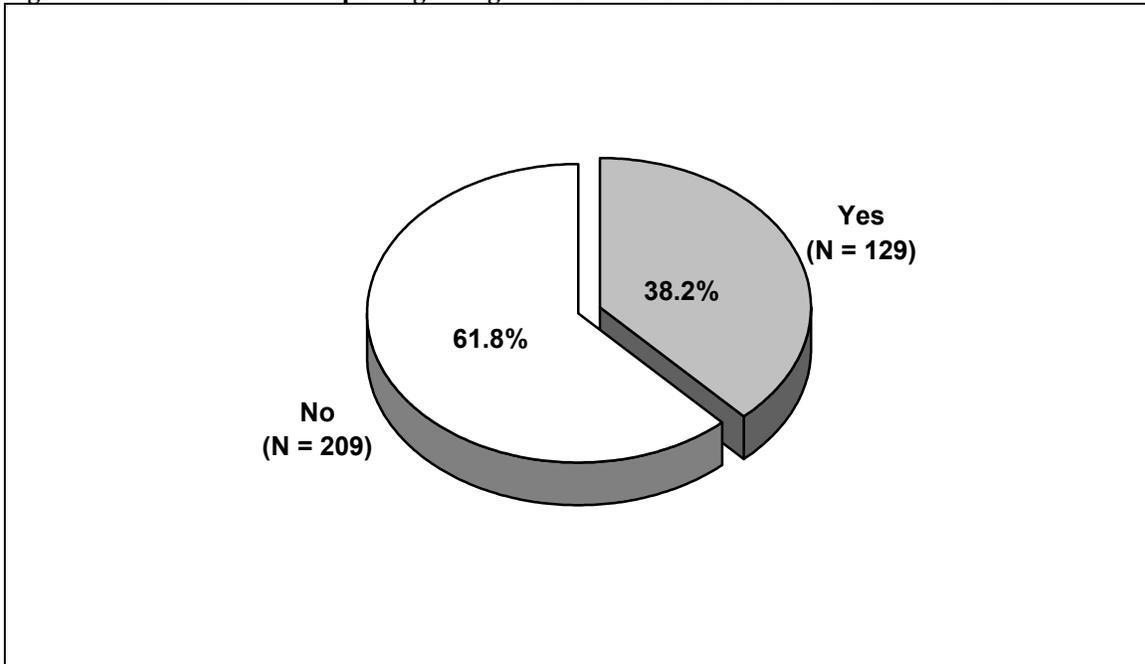
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question D-1.

Figure E-18. Jurisdictions Reporting at Least One Full-Time Worker Fluent in Covered Language.



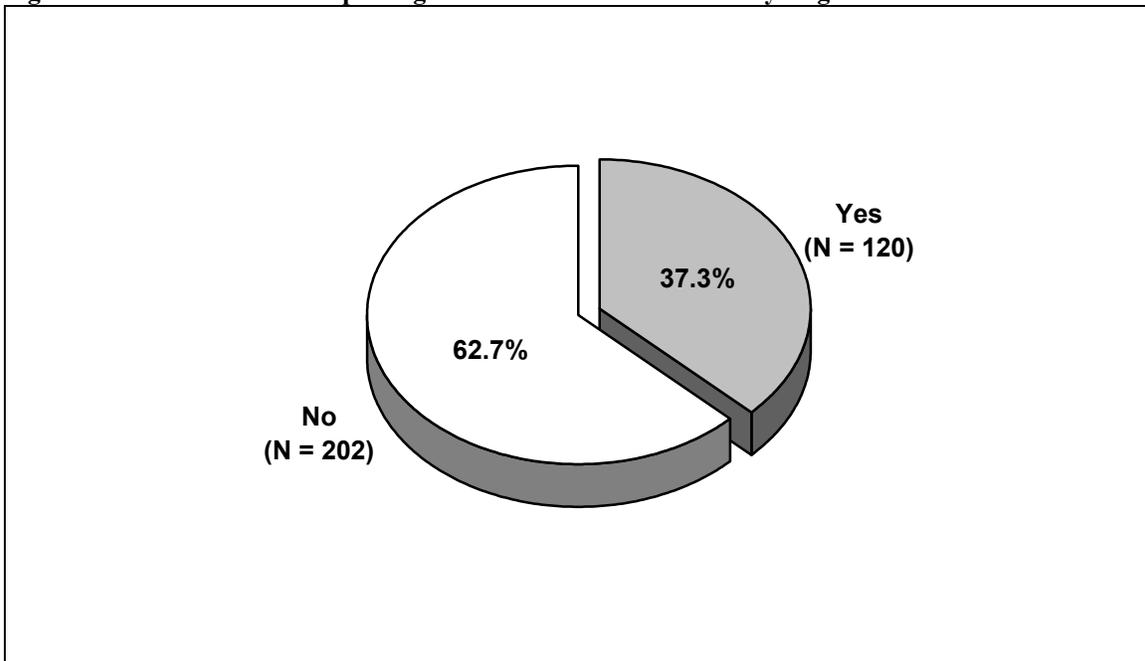
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question A-10.

Figure E-19. Jurisdictions Reporting Bilingual Coordinators Used for Election Activities.



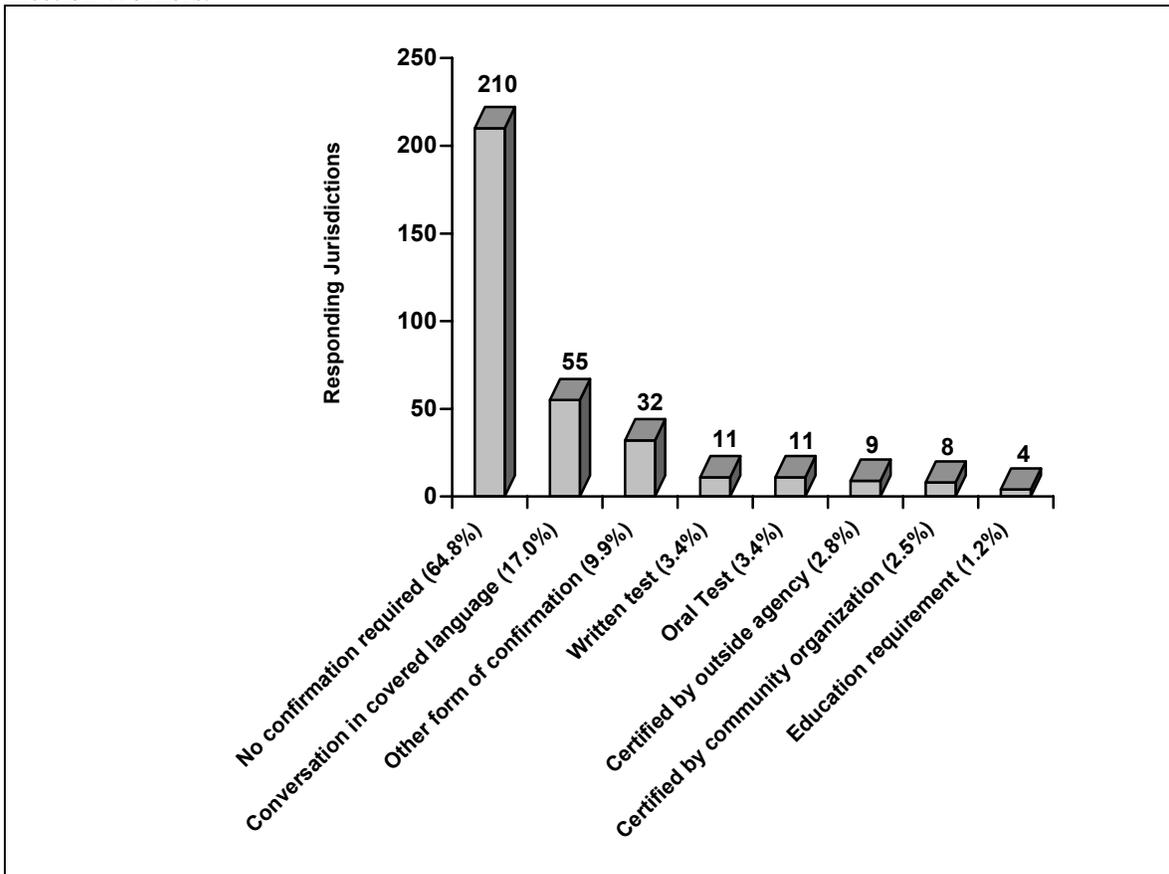
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question B-1.

Figure E-20. Jurisdictions Reporting Consultation with Community Organizations or Individuals.



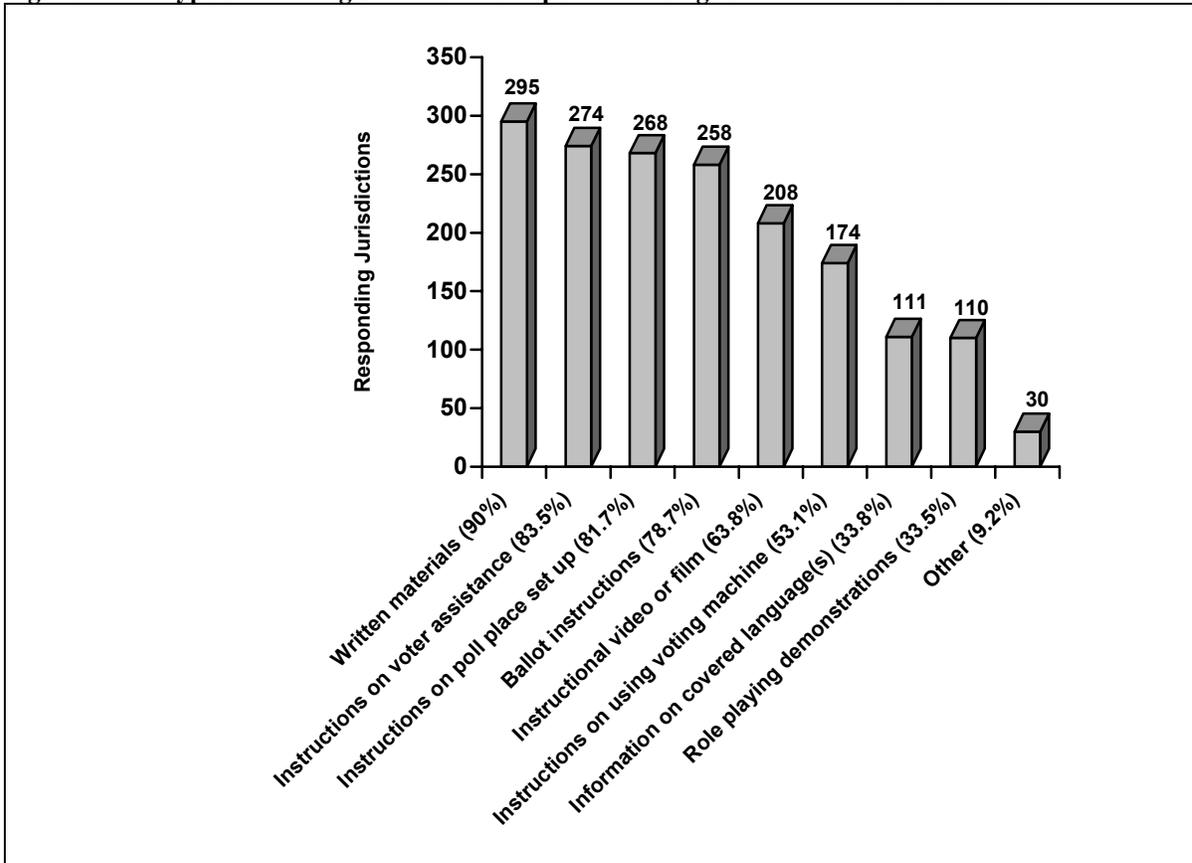
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question G-1.

Figure E-21. Manner in Which Jurisdictions Report Confirming Language Abilities of Part-Time Election Workers.



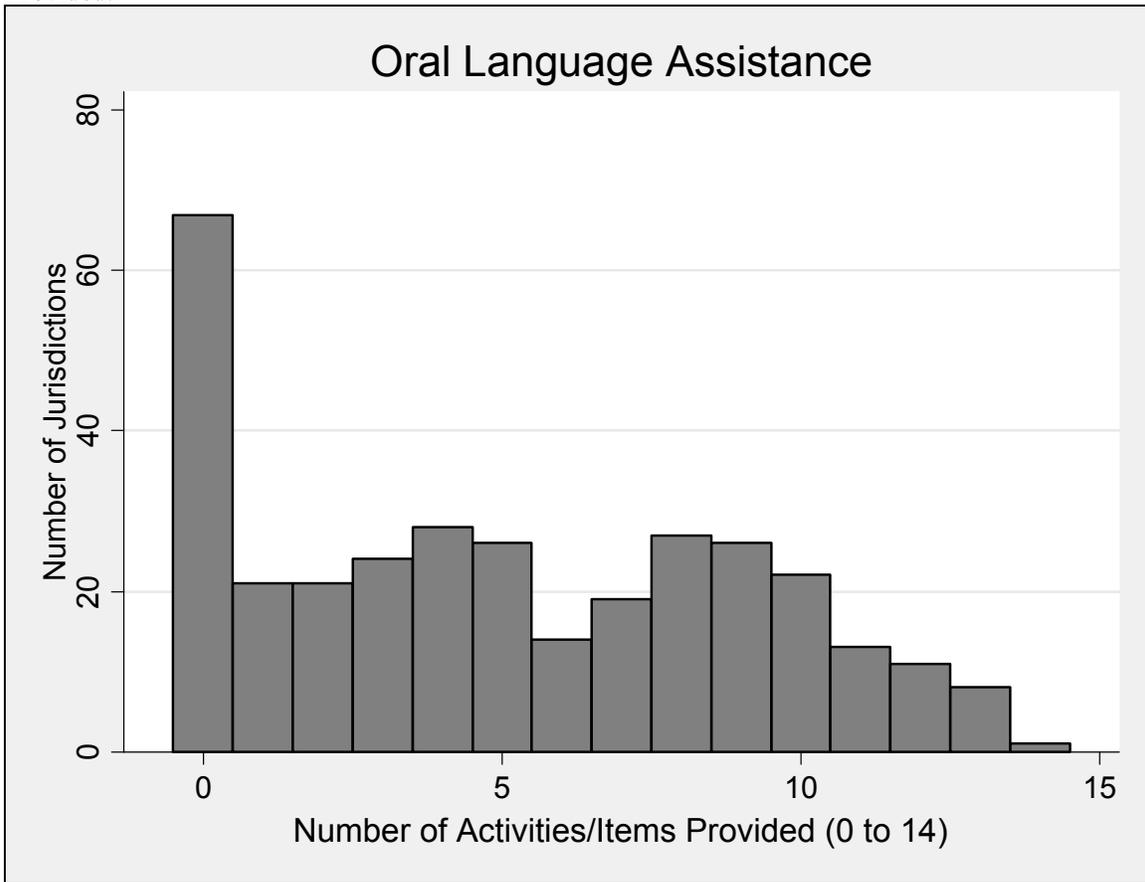
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question C-5.

Figure E-22. Type of Training Jurisdictions Report Providing to Part-Time Election Workers.



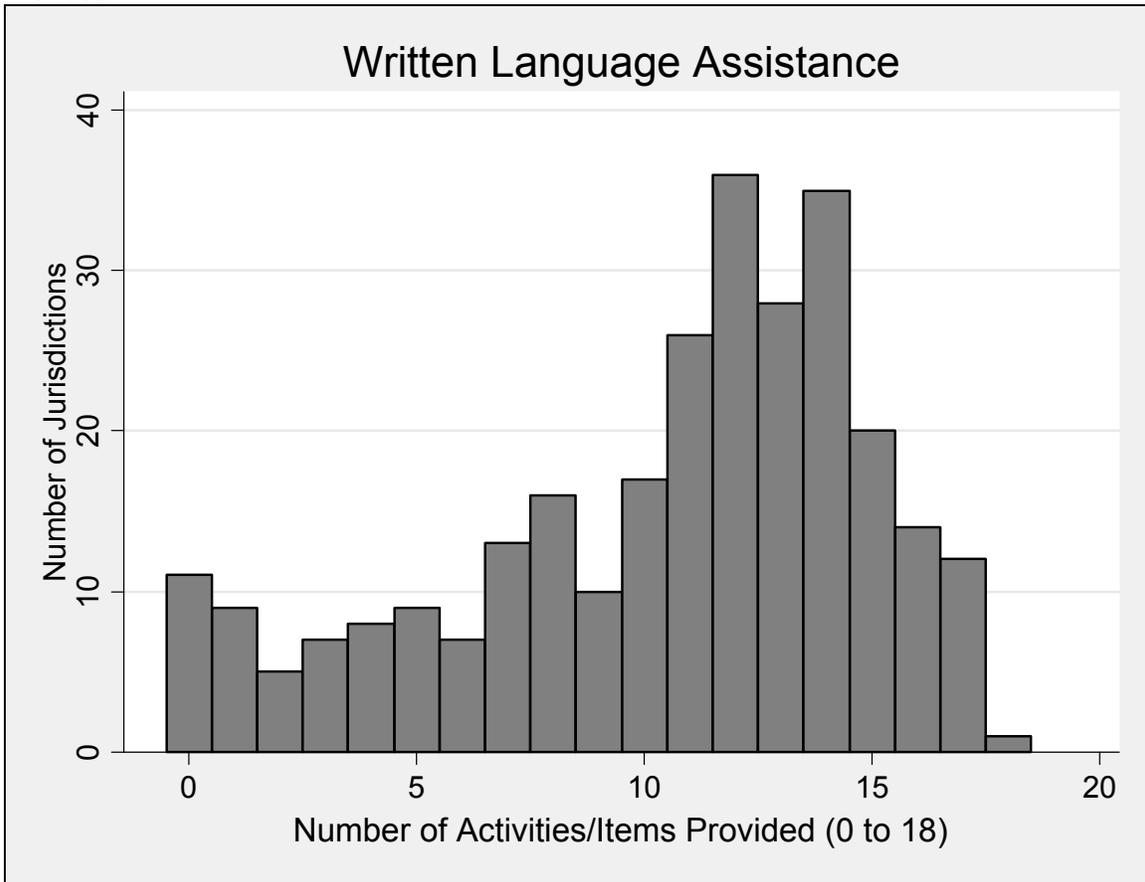
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question C-7.

Figure E-23. Election Activities for Which Jurisdictions Report Oral Language Assistance is Provided.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question E-2.

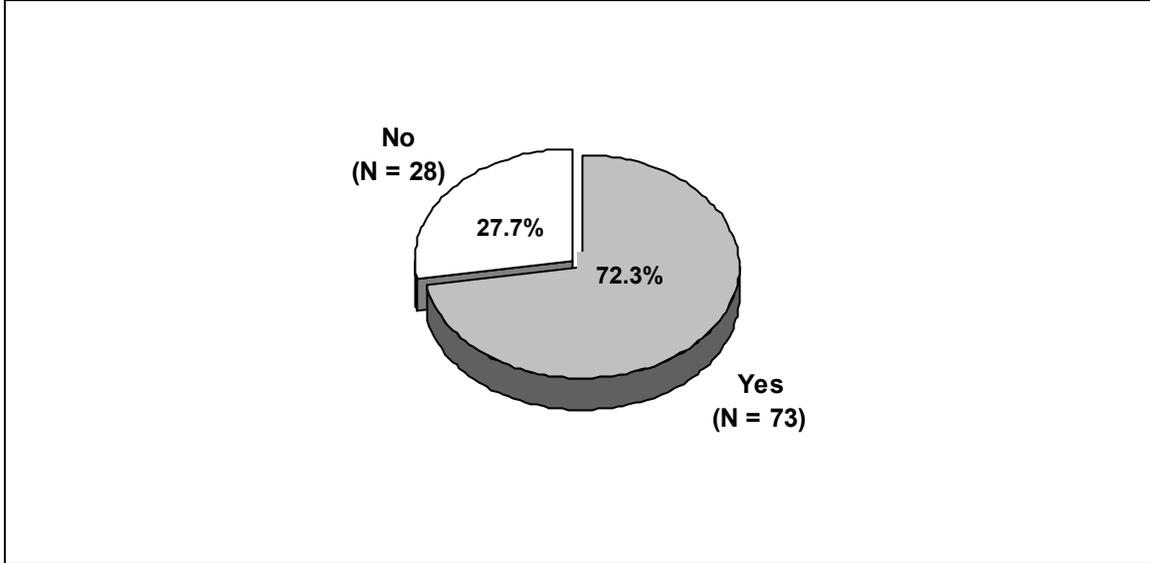
Figure E-24. Election Activities for Which Jurisdictions Report Written Language Assistance is Provided.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question F-2.

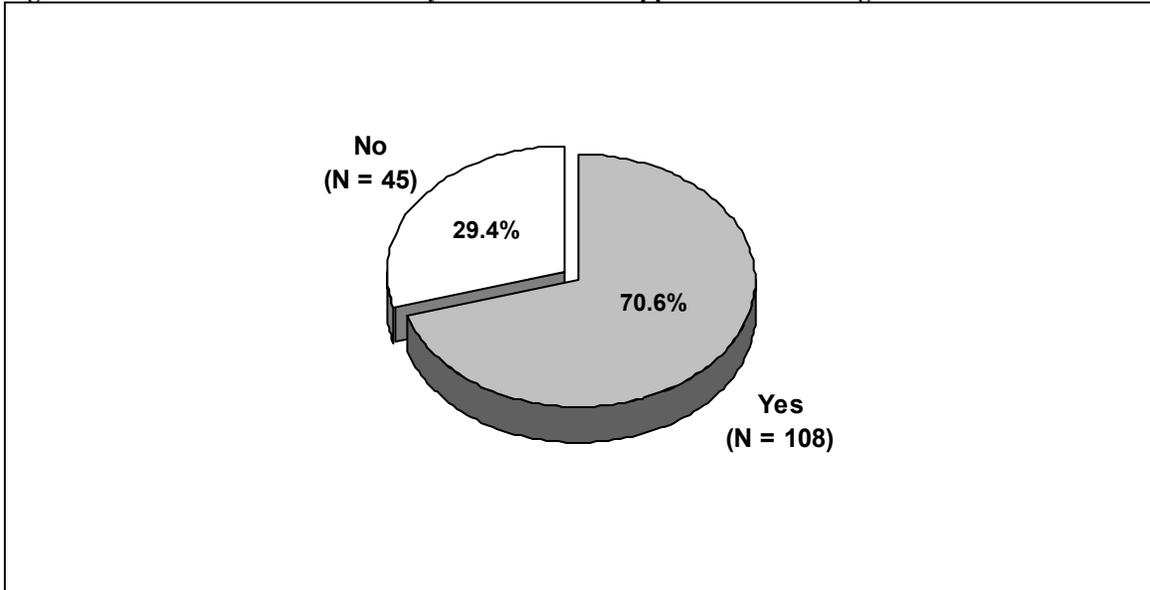
Responding Jurisdictions' Opinions on Reauthorization

Figure E-25. Jurisdictions Not Covered by Section 5 that Support Reauthorizing Section 203.



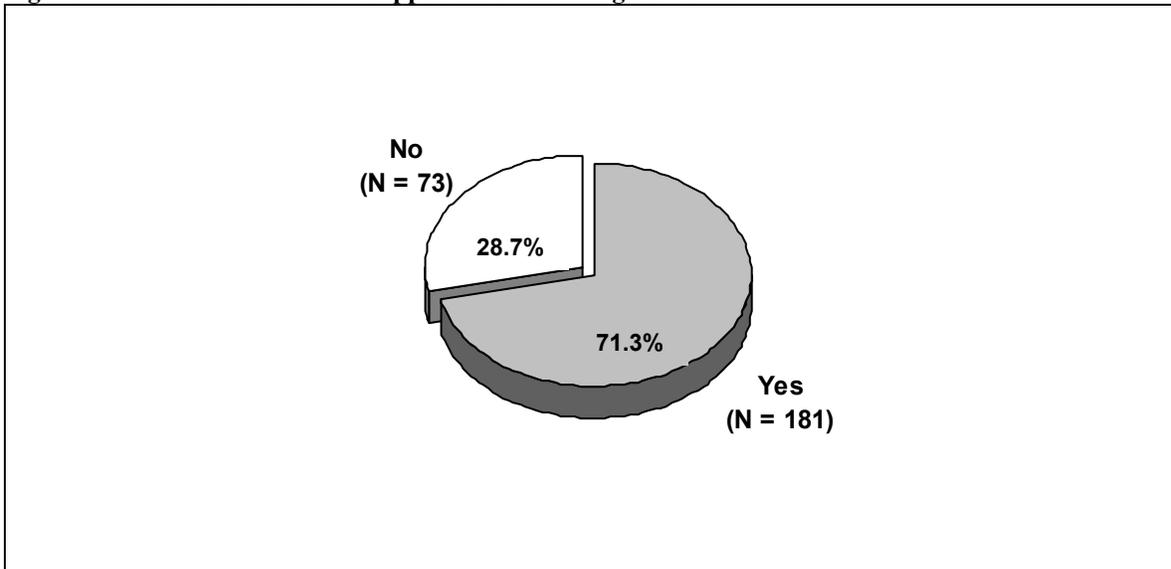
Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question H-2, and 28 C.F.R. Part 55, Appendix (summarizing Section 5 coverage determinations).

Figure E-26. Jurisdictions Covered by Section 5 that Support Reauthorizing Section 203.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question H-2, and 28 C.F.R. Part 55, Appendix (summarizing Section 5 coverage determinations).

Figure E-27. Jurisdictions that Support Reauthorizing Section 203.



Source: 2005 ASU/BHC Survey of Minority Language Assistance Practices in Public Elections, Question H-2.

Figure E-27 demonstrates that a clear majority of all responding jurisdictions support reauthorization of the language assistance provisions of the Voting Rights Act. Figures E-25 and E-26 show that the percentage of jurisdictions supporting reauthorization is approximately the same, regardless of whether the responding jurisdiction is covered by Section 5 of the Act.

Language Assistance in Voting Survey

Would you like a copy of the survey report to be mailed to you?

Yes No

Section A: Public Elections

A-1. How long have you been serving in your current capacity with respect to conducting **public elections**?

Years Months

A-2. On average, how many **public elections** does your jurisdiction have per year? (check one)

One Two or Three Four or Five Six or more

A-3. On average, how many **public elections** is your office responsible for conducting per year?

One Two or Three Four or Five Six or more

A-4. What type of **public elections** is your office responsible for conducting? (check all that

- Federal general and/or primary (President and Congress)
- State general and/or primary (Governor, state legislature, attorney general, etc.)
- County general and/or primary (Board of supervisors, county attorney, sheriff, etc.)
- City general and/or primary (Mayor, city council, etc.)
- Judicial (retention or otherwise)
- School board general and/or primary
- Special district general and/or primary
- Bond elections
- Initiatives or referenda (ballot questions)
- Other (please specify) _____

A-5. How do voters cast ballots at polling places? (check all that apply)

- Punch card Paper ballot Optical scan
- Touch Screen or DRE Lever machine Internet
- Other method of electronic voting (please specify) _____
- Other (please specify) _____

A-6. Has your jurisdiction changed its method of voting since 2000?

- Yes (Please specify approximate date of change) _____
- No (If no, skip to question A-7)

Language Assistance in Voting Survey

A-6a. How did voters **previously** cast ballots at polling places?

Punch card Paper ballot Optical scan
 Electronic voting Lever machine Internet
 Other (please specify) _____

A-6b. Please indicate from which sources, if any, did your jurisdiction **receive funding** to implement this change.

Federal State Local
 None Other (please specify) _____

A-7. Approximately how many registered voters are there in your jurisdiction? (check one)

Less than 2,500 2,501 to 5,000 5,001 to 10,000
 10,001 to 25,000 25,001 to 50,000 50,001 to 100,000
 100,001 to 250,000 250,001 to 500,000 500,001 to 750,000
 750,001 to 1,000,000 Over 1,000,000

A-8. How many election precincts are there in your jurisdiction? (check one)

10 or Less 11 to 25 26 to 100
 101 to 250 251 to 500 501 to 1,000
 1,001 to 1,500 1,501 to 3,000 Over 3,000

A-9. How many **full-time employees** in your jurisdiction are responsible for conducting or assisting with public elections? (check one)

1 or 2 3 to 5 6 to 10
 11 to 25 26 to 50 51 to 100
 101 to 150 Over 150

A-10. Of the **full-time employees** in question A-9, identify the number who are fluent in the following specified languages: (if none, leave blank)

Alaskan Native American Indian Spanish
 Chinese Filipino/Tagalog Japanese
 Korean Vietnamese
 Other Asian languages (please specify all languages) _____
 Other languages (please specify all languages) _____

Language Assistance in Voting Survey

Section B: Bilingual Coordinators

B-1. Does your jurisdiction have any **bilingual coordinators** who are responsible for acting as liaisons between the election office and language minority groups (such as Spanish-speaking voters, etc.)?

Yes No (If no, skip to Section C)

B-2. How many **bilingual coordinators** does your office have for each of the following languages? (if none, leave blank; if a bilingual coordinator is responsible for more than one language, please list all languages for which the coordinator is responsible in the multiple languages response)

<input type="checkbox"/> Alaskan Native	<input type="checkbox"/> American Indian	<input type="checkbox"/> Spanish
<input type="checkbox"/> Chinese	<input type="checkbox"/> Filipino/Tagalog	<input type="checkbox"/> Japanese
<input type="checkbox"/> Korean	<input type="checkbox"/> Vietnamese	
<input type="checkbox"/> Other Asian languages (please specify all languages) _____		
<input type="checkbox"/> Other languages (please specify all languages) _____		
<input type="checkbox"/> Multiple languages (please specify all languages) _____		

B-3. Which of the following best describes the status of **bilingual coordinators**? If multiple categories apply, specify the number of bilingual coordinators for each category.

<input type="checkbox"/> Elected position	<input type="checkbox"/> Appointed position	<input type="checkbox"/> Full-time employee
<input type="checkbox"/> Part-time employee	<input type="checkbox"/> Unpaid volunteer	<input type="checkbox"/> Unpaid student
<input type="checkbox"/> Other (please specify) _____		

B-4. How do you recruit **bilingual coordinators**? (check all that apply)

<input type="checkbox"/> Community organizations	<input type="checkbox"/> Government or school employees
<input type="checkbox"/> Direct solicitation	<input type="checkbox"/> Temporary agencies
<input type="checkbox"/> Translation agencies	<input type="checkbox"/> Election materials mailed to voters
<input type="checkbox"/> Flyers	<input type="checkbox"/> Newspaper advertisements
<input type="checkbox"/> Radio advertisements	<input type="checkbox"/> Television advertisements
<input type="checkbox"/> Political parties	<input type="checkbox"/> Other (please specify) _____

B-5. Which of the following are responsibilities of **bilingual coordinators**? (check all that apply)

<input type="checkbox"/> Recruiting poll workers	<input type="checkbox"/> Training poll workers
<input type="checkbox"/> Training other election officials	<input type="checkbox"/> Preparing written election materials
<input type="checkbox"/> Translating written election materials	<input type="checkbox"/> Community outreach
<input type="checkbox"/> Media liaison	<input type="checkbox"/> Voter instruction
<input type="checkbox"/> Compliance with court order or consent decree	
<input type="checkbox"/> Election day trouble shooting	
<input type="checkbox"/> Other (please specify) _____	

Language Assistance in Voting Survey

B-6. What, if any, is the approximate total annual cost to your jurisdiction for the **bilingual coordinator** program?

\$ _____

Section C: Part-time Election Workers

C-1. How many **part-time** election day workers in your jurisdiction are responsible for conducting elections? (check one)

<input type="checkbox"/> 25 or less	<input type="checkbox"/> 26 to 50	<input type="checkbox"/> 51 to 100
<input type="checkbox"/> 101 to 250	<input type="checkbox"/> 251 to 500	<input type="checkbox"/> 501 to 1,000
<input type="checkbox"/> 1,001 to 2,500	<input type="checkbox"/> 2,501 to 5,000	<input type="checkbox"/> 5,001 to 10,000
<input type="checkbox"/> Over 10,000		

C-2. What position(s) do the **part-time** election workers identified in response to question C-1 hold? (check all that apply)

<input type="checkbox"/> Election judge	<input type="checkbox"/> Poll/board worker	<input type="checkbox"/> Liaison
<input type="checkbox"/> Translator	<input type="checkbox"/> Trouble-shooter	<input type="checkbox"/> Other (please specify)

C-3. Estimate the percentage of **part-time** election workers who are fluent in the following specified languages:

<input type="checkbox"/> Alaskan Native	<input type="checkbox"/> American Indian	<input type="checkbox"/> Spanish
<input type="checkbox"/> Chinese	<input type="checkbox"/> Filipino/Tagalog	<input type="checkbox"/> Japanese
<input type="checkbox"/> Korean	<input type="checkbox"/> Vietnamese	
<input type="checkbox"/> Other Asian languages (please specify all languages)	_____	
<input type="checkbox"/> Other languages (please specify all languages)	_____	

C-4. How do you recruit **part-time** election workers? (check all that apply and specify the language(s) of the recruitment materials on the line at the bottom)

<input type="checkbox"/> Community organizations	<input type="checkbox"/> Government or school employees
<input type="checkbox"/> Direct solicitation	<input type="checkbox"/> Temporary agencies
<input type="checkbox"/> Translation agencies	<input type="checkbox"/> Election materials mailed to voters
<input type="checkbox"/> Flyers	<input type="checkbox"/> Newspaper advertisements
<input type="checkbox"/> Radio advertisements	<input type="checkbox"/> Television advertisements
<input type="checkbox"/> Political parties	<input type="checkbox"/> Other (please specify) _____

Language Assistance in Voting Survey

C-5. How do you confirm the language abilities of the **part-time** election workers? (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> No confirmation required | <input type="checkbox"/> Written test |
| <input type="checkbox"/> Oral test | <input type="checkbox"/> Conversation in language |
| <input type="checkbox"/> Certified by outside agency | <input type="checkbox"/> Certified by community organization |
| <input type="checkbox"/> Education requirement | <input type="checkbox"/> Other (please specify) _____ |

C-6. Which describes the frequency of training provided to **part-time** election workers? (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> No training provided | <input type="checkbox"/> Training session required annually |
| <input type="checkbox"/> Training session required each election | |
| <input type="checkbox"/> Other (please specify frequency) _____ | |

C-7. Which of the following is included in training provided to **part-time** election workers? (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Written materials | <input type="checkbox"/> Role playing demonstrations |
| <input type="checkbox"/> Instructions on setting up polling place | <input type="checkbox"/> Ballot instructions |
| <input type="checkbox"/> Instructions on using voting machine | <input type="checkbox"/> Information on covered language(s) |
| <input type="checkbox"/> Instructions on providing voter assistance | <input type="checkbox"/> Instructional video or film |
| <input type="checkbox"/> Other (please specify) _____ | |

C-8. What, if any, is the approximate total annual cost to your jurisdiction for **part-time** election-day workers?

\$ _____

Section D: Telephone Inquiries

D-1. How many of the covered languages in your jurisdiction have someone fluent available for **telephone inquiries**?

All Some None (If none, skip to Section E)

D-2. How is assistance provided in covered language(s) for **telephone inquiries**? (check all that apply)

- | |
|--|
| <input type="checkbox"/> Separate phone number for covered language(s) |
| <input type="checkbox"/> Phone directory in covered language(s) |
| <input type="checkbox"/> Election worker fluent in covered language(s) |
| <input type="checkbox"/> Phone calls directed to volunteer fluent in covered language(s) |
| <input type="checkbox"/> Other (specify) _____ |

Language Assistance in Voting Survey

D-3. What, if any, is the approximate total annual cost to your jurisdiction for **telephone inquiry assistance** in the covered language(s)?

\$ _____

Section E: Oral Language Assistance

E-1. Estimate the percentage of voters in your jurisdiction who need **oral language assistance** to vote in public elections?

_____ %

E-2. For which of the following activities does your office provide **oral language assistance**? (check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Poll worker recruitment | <input type="checkbox"/> Voter registration |
| <input type="checkbox"/> Candidate qualification | <input type="checkbox"/> Election-day information |
| <input type="checkbox"/> Early or mail-in voting | <input type="checkbox"/> Absentee voting |
| <input type="checkbox"/> Voter purges | <input type="checkbox"/> Polling place locations and changes |
| <input type="checkbox"/> Checking in at the polling place | <input type="checkbox"/> Voting machine instructions |
| <input type="checkbox"/> Reading the ballot | <input type="checkbox"/> Explaining ballot questions |
| <input type="checkbox"/> Election results | <input type="checkbox"/> Other (specify) _____ |

E-3. How are voters informed about the availability of **oral language assistance**? (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Election materials mailed to voters | <input type="checkbox"/> Flyers |
| <input type="checkbox"/> Signs in covered language(s) at polling place | <input type="checkbox"/> Newspaper advertisements |
| <input type="checkbox"/> Radio advertisements | <input type="checkbox"/> Television advertisements |
| <input type="checkbox"/> Other (please specify) _____ | |

E-4. Is **oral language assistance** provided in the covered language(s) at the polls on Election Day?

Yes No (If no, skip to Section F)

E-5. How is **oral language assistance** provided in the covered language(s) at the polls on election day? (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Bilingual poll workers | <input type="checkbox"/> Bilingual translators |
| <input type="checkbox"/> Electronic machine with oral instructions | <input type="checkbox"/> Bilingual recordings |
| <input type="checkbox"/> Other (please specify) _____ | |

Language Assistance in Voting Survey

E-6. Who of the following may accompany voters who need assistance in the voting booth?
(check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Bilingual poll worker | <input type="checkbox"/> Translator |
| <input type="checkbox"/> Poll worker from each major party | <input type="checkbox"/> Campaign workers outside the polls |
| <input type="checkbox"/> Family member accompanying voter | <input type="checkbox"/> Adult accompanying voter |
| <input type="checkbox"/> Child accompanying voter | <input type="checkbox"/> None |
| <input type="checkbox"/> Other (please specify) _____ | |

E-7. What, if any, is the approximate total annual cost to your jurisdiction for **oral language assistance** at the polls on election day?

\$ _____

E-8. Which of the following, if any, are additional costs for **part-time** poll workers who provide oral assistance in the covered language(s)? (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Training | <input type="checkbox"/> Recruitment (other than costs in question C-6) |
| <input type="checkbox"/> Certification | <input type="checkbox"/> Use of professional translators |
| <input type="checkbox"/> Other (please specify) _____ | |

Section F: Written Language Materials

F-1. Does your jurisdiction provide **written language materials** in the covered language(s)?

Yes No (If no, skip to question F-6)

F-2. For which of the following does your jurisdiction provide **written language materials** in the covered language(s)? (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Internet or web-based information | <input type="checkbox"/> Voter registration materials |
| <input type="checkbox"/> Communications from elections office | <input type="checkbox"/> Sample ballots |
| <input type="checkbox"/> Voters' rights or other information pamphlets | <input type="checkbox"/> Poll worker recruitment |
| <input type="checkbox"/> Early voting or mail-in voting materials | <input type="checkbox"/> Absentee ballots |
| <input type="checkbox"/> Publicity regarding polling place locations | <input type="checkbox"/> Election-day information |
| <input type="checkbox"/> Polling place signs | <input type="checkbox"/> Check-in information |
| <input type="checkbox"/> Instructions on using voting machine or ballot | <input type="checkbox"/> Ballots |
| <input type="checkbox"/> Instructions on provisional ballots | <input type="checkbox"/> Election results |
| <input type="checkbox"/> Election day forms (challenge paperwork, etc.) | |
| <input type="checkbox"/> Other (please specify) _____ | |

Language Assistance in Voting Survey

F-3. Who of the following are involved in translating **written election materials** from English to the covered languages? (check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Bilingual coordinators | <input type="checkbox"/> Election office employees |
| <input type="checkbox"/> Volunteer translators | <input type="checkbox"/> Professional translation services |
| <input type="checkbox"/> Community organizations | |
| <input type="checkbox"/> Other (please specify) _____ | |

F-4. What, if any, is the approximate total annual cost to your jurisdiction for providing **written election materials** in the covered language(s)?

\$ _____ Translation Costs \$ _____ Printing Costs
\$ _____ Other Costs (please specify) _____

F-5. What, if any, **written election materials** are not available in the covered language(s)? (If none, skip to question F-7)

F-6. Why are the **written election materials** not available in the covered language(s)?

F-7. Have any Alaskan Native or American Indian voters requested that **written election materials** be provided in their covered language(s)?

Yes No

Section G: Election-Related Activities

G-1. Does your jurisdiction consult with community organizations and/or individuals about providing assistance in elections in the covered language(s)?

Yes No (If no, skip to question G-2)

Language Assistance in Voting Survey

G-1a. Which of the following does your jurisdiction consult with in regards to providing assistance in the covered language(s)? (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Churches | <input type="checkbox"/> Schools |
| <input type="checkbox"/> Civil rights groups | <input type="checkbox"/> League of Women Voters |
| <input type="checkbox"/> Clubs | |
| <input type="checkbox"/> Other (please specify) _____ | |

G-2. What, if any, is the approximate total annual cost to your jurisdiction for all election-related activities?

\$ _____

G-2a. What, if any, is the approximate total annual cost to your jurisdiction for providing **oral language assistance** in the covered languages for election-related activities?

\$ _____

G-2b. What, if any, is the approximate total annual cost to your jurisdiction for providing **written language materials** in the covered languages for election-related activities?

\$ _____

G-2c. If you are unable to estimate the costs in 2a and 2b explain why:

Section H: Additional Issues

H-1. What, if anything, do you think the federal government can do to provide minority language assistance to voters?

H-2. Do you think the language assistance provisions to the Voting Rights Act should remain in effect?

- Yes No

Language Assistance in Voting Survey

H-3. Please provide any additional comments about your experiences in providing language assistance to voters:

Thank you for taking the time to complete this survey. Please return your completed survey in the pre-addressed, stamped envelope provided. If you have any questions, please contact

**Professor Rodolfo Espino
Arizona State University
Department of Political Science
Box 873902
Tempe, AZ 85287-3902
480-965-5884
espino@asu.edu**